

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44255 of 2018
Date of Decision: 12.10.2018

Parkash

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.123 dated 27.03.2018 registered for offences punishable under Sections 148/149/307/427/506/216 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Hodal, District Palwal.

Heard.

As per case of prosecution, complainant in his Scorpio car was going towards Hodal with Sagar son of his nephew. When he reached village Aurangabad, Raj Kumar @ Sonu was found standing there with his motorcycle (brand "Bullet") and Sagar took lift on his motorcycle. When they reached Babri turn, Hodal, a Bullet hit his vehicle from behind and he found that one Nawab was sitting on the motorcycle with a country made pistol in his hand and had fired at them.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. He was arrested on 13.08.2018 with co-accused, namely,

Krishan, who has been allowed regular bail by this Court vide order dated 26.09.2018 passed in CRM-M-41444-2018. The petitioner was nominated in this case on the disclosure statement of co-accused, namely, Sumit, who has also been allowed regular bail by this Court vide order dated 17.09.2018 passed in CRM-M-39622-2018.

Learned State counsel on instructions from ASI Bharatpal submits that co-accused, Sumit on his arrest has disclosed name of petitioner as one of the person, who was on motorcycle, which followed car of complainant but no recovery of any weapon has been effected from the petitioner.

Keeping in view above facts and applying the principle of parity with co-accused, Sumit and Krishan and that challan filed in this case will take considerably long time before being finally disposed of, the present petition is allowed. Petitioner-Parkash is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 12, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No