

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4625-2018

Date of decision: March 13, 2018

Pankaj

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, 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.399 dated 30.05.2017 registered for the offences punishable under Sections 186, 332, 353, 307, 34 of Indian Penal Code (for short 'IPC') and Section 25 of Arms Act, at Police Station Civil Lines, Karnal.

Heard.

It is a prosecution story that a police party escorting one under trial namely, Neeraj Punia in the court when four unknown boys fired short towards the said under trial with intention to kill him but when Constable Ricky (injured) tried to save the boy, he suffered firearm injury in the right elbow.

Undisputably, petitioner was on bail on that day and he was not present on the spot. It is the allegation against him that he hatched a conspiracy and under said conspiracy the assailants fired shot but there is no direct proof.

Some debatable issues are involved in the present petition.

Keeping in view the circumstances of the case, without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pankaj son of Suresh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned 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(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

Nothing expressed above shall affect the merits of the case.

(RAJ SHEKHAR ATTRI)
JUDGE

March 13, 2018

m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No