

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28764 of 2019
Date of Decision: 25.09.2019

Gaurav @ Monti

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajat Mor, Advocate
for the petitioner.

Ms. Dimple Jain, A.A.G. 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.42 dated 10.04.2016 registered for offences punishable under Sections 148, 149, 307 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Line Par, Bahadurgarh, District Jhajjar. (Offences punishable under Sections 302 and 120-B IPC were added later on).

Heard.

As per case of prosecution, a *Gaushala* was to be inaugurated by Member of Legislative Assembly, Bahadurgarh in village Bichla, Tehsil Bahadurgarh. Complainant and his brother Krishan went to attend the inaugural function, where *Ragini* were to be performed. His brother Krishan alongwith several persons was standing on the gate of *Gaushala* to welcome the Member of Legislative Assembly. Three boys with pistols in their hands came towards the place of function and fired at Krishan, who fell on the ground. Two of the boys were identified as Rajesh @ Darmath and Happy

@ Hitesh. After the incident all the three accused sped away from the spot in Swift car. They were followed but could not be nabbed.

Learned State counsel submits that the petitioner was not named in the FIR but he has been nominated on the disclosure statement of co-accused, Parveen @ Pardhan. The petitioner was arrested in some other case and was arrested in this case after taking his production warrants.

Learned counsel for the petitioner submits that co-accused, Parveen @ Pardhan has already been allowed regular bail vide order dated 28.11.2018 passed in CRM-M-10361-2018.

Without expressing any opinion on merits of the case and keeping in view the fact that the petitioner was arrested in this case on 04.05.2018 and has been in custody since then and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gaurav @ Monti 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.

September 25, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No