

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

**Crl. Misc. No.M-32897 of 2019 (O&M)
Date of Decision: August 14, 2019**

Kuldeep

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the petitioner.

ASI Kulbir Singh, P.S. Urban Estate, Hisar.

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. 667 dated 05.11.2018 registered for the offences punishable under Sections 148, 149, 307, 34 of Indian Penal Code and 25 of Arms Act, at Police Station Civil Lines, Hisar.

Heard.

Notice of motion.

On asking of the court, ASI Kulbir Singh, Police Station Urban Estate, Hisar, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of the prosecution, occurrence took place on 01.11.2018, at about 9.30 p.m., when complainant Deepak along with his maternal uncle Surender @ Nanha were attacked by Ajay and others. While

fleeing, complainant suffered a bullet injury on his left buttock and fell down. The petitioner was not named in the FIR and has been arrested on 11.12.2018 on the statement of co-accused Sunil @ Sonu.

Learned Court below while declining the bail to the petitioner has taken note of the fact that five more criminal cases including the cases of robbery and dacoity are pending against the petitioner.

Keeping in view the fact that petitioner is in custody since 11.12.2018; nature of allegations against the petitioner; he is not named in the FIR and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Kuldeep is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

August 14, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No