

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35431 of 2019
Date of Decision: 03.09.2019

Deepak

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

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.483 dated 17.09.2018 registered for offences punishable under Sections 186, 307, 332, 398, 401 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Ganaur, District Sonipat.

Heard.

As per case of prosecution, Inspector Ajay of CIA Staff made different police parties on receipt of secret information that four persons, namely, Deepak son of Ajad, Rahul @ Peter son of Ravindra, Deepak son of Krishan and Mukesh @ Ronaldo son of Ramesh were looting the persons on Chirsami turn, GT Road. On reaching the spot, when those four persons tried to loot the fake passerby, they were asked to surrender at which Deepak son of Ajad and Rahul @ Peter son of Ravindra, fired at the police party. In retaliation, police party also fired at accused and Deepak (petitioner) suffered a bullet injury and was caught. Other accused were also apprehended by the police party.

From possession of the petitioner a torch was recovered while from two co-accused, namely, Deepak son of Ajad and Rahul @ Peter son of Ravindra country made pistols and from fourth accused, namely, Mukesh @ Ronaldo, a *danda* was taken into possession.

Learned counsel for the petitioner submits that petitioner was arrested at the spot on 17.09.2018 and is in custody for the last one year. There is no allegation that he had fired at the police party. He is not involved in any other case. Conclusion of trial will take considerably long time, as such, he may be allowed benefit of regular bail.

Learned State counsel submits that though no weapon has been recovered from possession of the petitioner but he was accompanying the other co-accused, who fired at police party and were looting the persons at the spot.

Without expressing any opinion on merits of the case and keeping in view the fact that petitioner is in custody for the last one year, nature of allegation against him and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Deepak 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 03, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No