

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37600 of 2019
Date of Decision: 11.09.2019

Rajender

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasneet Mehra, Advocate
for Mr. Amrainder Singh, 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. 70 dated 28.03.2018 registered for offences punishable under Sections 148, 149, 307, 452, 506 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Chhansa, District Faridabad.

Heard.

Notice of motion.

On asking of the Court, Mr. Raj Kumar Makkar, DAG, Haryana, 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 prosecution, occurrence took place on 27.03.2018, when Ishwar, Bona (Sandeep), Rajender (petitioner) and others had parked their Swift car outside gate of the house of complainant and were creating noise. Ravi, brother of complainant, asked them to remove the vehicle in front of his house at which they indulged in exchange of hot

words with him. On the next day i.e. 28.03.2018, accused, Ishwar, Bona, Rajender (petitioner) armed with *farsa*, Gulshan and Neeraj entered house of the complainant. Bona and Ishwar fired shots and one of the firearm shot hit left leg of complainant.

Learned counsel for the petitioner submits that petitioner is alleged to be armed with *farsa* but no injury has been attributed to him. He has been in custody since 12.06.2018 and the prosecution after presentation of challan has not been able to conclude its evidence so far.

Learned State counsel submits that petitioner is involved in six other cases. In one case he was a proclaimed offender. There is every likelihood that in the event of his being released on bail he will abscond again.

Learned counsel for the petitioner submits that petitioner has since been acquitted in two cases and in one case he has completed his sentence and in other cases he is on bail.

Without expressing any opinion on merits of the case and keeping in view the period of custody of petitioner, nature of allegation against him and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner -Rajender 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 11, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No