

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38340 of 2019
Date of Decision: 13.09.2019

Om Parkash Handa

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, Advocate
for the complainant.

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.95 dated 22.08.2019 registered for the offence punishable under Section 195-A of Indian Penal Code (for short, "IPC") at Police Station Mamdot, District Ferozepur.

Heard.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab, 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 allegations in the FIR, complainant is a witness against the petitioner, who is posted as Sub Inspector in police department in a corruption case registered against him (petitioner). The petitioner is pressurizing the complainant to resile from his statement. On 19.08.2019,

the petitioner accompanied by Mukhtiar Singh, the shadow witness in that case, who is brother-in-law of complainant, Manga Budhu resident of village Ghore Chaq and 8/9 persons came to the house of the complainant and tried to take him away to Ferozepur in a forcible manner to make him resile from his statement. A scuffle took place at which petitioner took out his pistol and fired shots, which hit wall, washbasin and door of the bedroom of complainant. The people assembled there and petitioner alongwith Mukhtiar Singh was nabbed at the spot.

Learned counsel for petitioner submits that FIR has been registered against the petitioner under Section 195-A IPC. The police has found the version of complainant that petitioner was accompanied by 8/9 other persons besides Mukhtiar Singh as false from the CCTV footage. The complainant is a witness against the petitioner in a corruption case and had called him to his house to have a talk. Even if petitioner had committed mistake of going to his house, no offence of firing shots etc. on complainant is made out.

Learned State counsel on instructions from ASI Shingara Singh submits that the police has examined CCTV footage and has not recorded any FIR against the petitioner under Section 307 IPC or any other offence. This FIR has been confined only for commission of offence under Section 195-A IPC.

Learned counsel for complainant submits that the complainant has moved application under Section 156 (3) Cr.P.C. before the Court concerned for enhancement of offences as mentioned in the FIR, which is still pending.

Learned State counsel submits that the matter is still under

investigation in the corruption case registered on the statement of complainant and challan has not been filed therein.

Without expressing any opinion on merits of the case and keeping in view above facts and that completion of investigation and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Om Parkash Handa 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 13, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No