

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40316 of 2019
Date of Decision: 26.09.2019

Moni @ Parveen

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Singh Ghangas, 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.408 dated 04.07.2018 registered for offences punishable under Sections 323, 342, 506 read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Samalkha, District Panipat. (Offence punishable under Section 307 IPC was added later on).

Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG 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.

The petitioner was arrested in this case on 02.08.2018 and after completion of investigation challan was presented on 11.10.2018.

As per case of prosecution, car of complainant was stopped by petitioner and his co-accused, Vishal, Ankit and some other persons. When

Dinesh, who was driving the car alighted, the petitioner fired at him and the bullet hit his thigh.

Learned counsel for the petitioner submits that after presentation of challan, no witness except complainant has been examined and application under Section 319 Cr.P.C. filed by the prosecution has not been decided so far. Co-accused, Vishal, has already been released on bail by this Court vide order dated 23.05.2019 passed in CRM-M-7652-2019.

Without expressing any opinion on merits of the case and keeping in view the period of custody of the petitioner and the fact that the prosecution has cited 25 witnesses, recording of whose statements will take considerably long time, the present petition is allowed. Petitioner-Moni @ Parveen 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 26, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No