

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40908 of 2019
Date of Decision: 30.09.2019

Kapil

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shokeen Singh Verma, 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.63 dated 02.05.2019 registered for offences punishable under Sections 307 read with Sections 120-B and 34 of Indian Penal Code (for short, "IPC"); and 25/27 of the Arms Act, at Police Station Titram, District Kaithal.

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.

As per case of prosecution, complainant alongwith Joginder had gone for checking of their employees at house of Krishan son of Joginder. On reaching outside the street, Joginder went to house of Krishan while complainant-Nana Sher Nath was standing near the motorcycle. In

the meanwhile, three persons came on the motorcycle and one of them put pistol on the chest of complainant. The complainant struck that pistol with his hand as a result of which he suffered fire shot on the back of his right leg and he fell down.

Learned State counsel submits that firearm injury has been attributed to co-accused, namely, Laddi, who has not been arrested in this case. The petitioner is alleged to be accompanying the said Laddi and was arrested on 15.05.2019. After completion of investigation challan against him has been presented in Court.

Learned counsel for the petitioner submits that co-accused, namely, Ram Niwas, with similar allegations has been allowed regular bail by this Court vide order dated 19.09.2019 passed in CRM-M-39299-2019 and he seeks regular bail for the petitioner on the ground of parity.

Applying the principle of parity with co-accused, Ram Niwas, but without expressing any opinion on merits of the case and keeping in view the fact that no injury or overt act has been attributed to petitioner; firearm injury has been attributed to co-accused-Laddi; and after presentation of challan, conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kapil 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 30, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No