

276

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-31671 of 2016

Date of decision: September 21, 2016

Mustak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Vishal Sharma, Advocate for
Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Surinder Singh, AAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.183 dated 01.07.2016, under Sections 307, 452, 394, 506, 427, 148 and 149 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station DLF Phase-1 (Gurgaon), petitioner was arrested on 14.07.2016 and is in jail since then.

It is not in dispute that later on offence under Section 307 IPC was removed from the charge. Admittedly, the challan has been filed before the competent Court. All the offences are triable by the Magistrate.

I have perused the FIR. It is true that the petitioner, who was the member of a gang of youth who had entered the restaurant, assaulted the bar owner with glass and bottles and injured them. The challan has been filed and the trial will take its own time. The main

accused by name Bittu is still at large and has not been apprehended. Though, the petitioner had accompanied Bittu when the incident had taken place, it does not appear to be major role of the petitioner.

Learned counsel for the petitioner submits that there is no other offence against the petitioner and the petitioner deserves to be given a chance to reform. He further, submits that the petitioner undertakes not to commit any such or other kind of offence in future.

In that view of the matter, I think, the petitioner should be released on bail as the trial will take its own time by the Magistrate.

Hence, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate concerned who may impose such conditions as deem fit and proper. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses. However, liberty is reserved in favour of the prosecution to apply for cancellation of bail in case, the petitioner is found to have indulged in similar or any kind of offence.

(A.B. CHAUDHARI)
JUDGE

September 21, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No