

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-17780 of 2017
Date of Decision: 31.05.2017

Rahul

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shiv Kumar, 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.357 dated 21.06.2016 registered for offences punishable under Sections 323, 302, 506 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Mujessar, District Faridabad.

Heard.

Notice of motion.

On asking of the court, Mr. Tanuj 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.

Learned counsel for the petitioner submits that as per allegations of complainant, the petitioner has been attributed fist and leg blows to deceased-Ram Kumar. After the incident, Ram Kumar was taken to his home and then in morning he was taken to hospital where he died next day. It was a case of scuffle between the deceased and father of petitioner,

namely, Charan Singh. Sons of Charan Singh have been implicated with the allegation that they also gave fist and leg blows to the deceased.

It has been submitted that after examination-in-chief of complainant, an application was moved by the prosecution under Section 319 Cr.P.C. to summon two remaining accused, namely, Harkesh and Gobind, which was dismissed and now a petition (CRR-100-2017) has been filed against that order, which is now fixed for 03.08.2017 and further proceedings have been stayed before the trial Court.

Keeping in view above facts, nature of injuries attributed to the petitioner but without expressing any opinion on merits of the case and taking note of the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rahul 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

May 31, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No