

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-24564 of 2017
Date of Decision: 21.07.2017

Rahul

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kunwal Dawar, 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. 177 dated 27.05.2017 registered for offences punishable under Sections 147, 148, 323, 452 and 506 of Indian Penal Code (for short, "IPC") at Police Station Chandhut, District Palwal. (Offences punishable under Sections 420 and 482 IPC were added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, 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 petitioner-Rahul was arrested in this case on 27.05.2017. Co-accused, namely, Mohit, Chanchal and Yogesh have already been allowed bail.

The dispute pertains to joint property. The petitioner is cousin

of complainant. As per allegation in the FIR, petitioner alongwith co-accused entered house of complainant and caused injuries to him and his brother. They also gave slaps and fist blows to his mother and sister.

Learned State counsel while opposing bail application submits that though Yogesh, Chanchal and Mohit have been allowed bail but they were allowed bail as the matter was compromised by them with complainant.

The role of petitioner attributed in the FIR is similar to role of Yogesh, Chanchal and Mohit. The matter is still under investigation. Completion of investigation and conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Rohit 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No