

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26548 of 2017
Date of Decision: 31.07.2017

Vijay Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Jammu , 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.419 dated 03.07.2017 registered for offences punishable under Sections 332, 353, 186, 341, 506 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station City Fatehabad, District Fatehabad.

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.

FIR was registered on the complaint of Bhajan Singh, SDO City, Sub Division Fatehabad, who alongwith his team had gone to the house of petitioner to detect theft of electricity. They found that petitioner was committing theft by putting a fishhook (*kundi*) on the main cable. The team of complainant prepared a video and then gave a knock at the house of

petitioner, who refused to open the same. In the meanwhile, petitioner alongwith Ajay Goel and Tarun Goel came out, gave slaps and fist blows to complainant and tore his shirt and snatched his mobile phone to delete the video he had prepared.

Learned counsel for the petitioner submits that on police enquiry, Ajay Goel has been found innocent and offence punishable under Section 379-B IPC has also been deleted.

Learned State counsel endorses submissions of learned counsel for the petitioner with regard to afore-stated facts and submits that the matter is still under investigation.

Keeping in view above facts, nature of case and that presentation of challan and conclusion of trial, if challan is presented, will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Vijay Kumar 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 31, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No