

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33237 of 2017
Date of Decision: 10.11.2017

Arun

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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.692 dated 04.10.2016 registered for offences punishable under Sections 323, 324, 506 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Sadar Palwal, District Palwal. (Offence punishable under Section 307 IPC was added later on).

Heard.

As per case of prosecution, the occurrence took place on 04.10.2016 at about 05.15 a.m. and the petitioner has been attributed knife blows on the head, chest, ribs and arm of Mukesh. Injuries were also attributed to Sukhdev, Govind and Savitri. The police after completion of investigation has presented the challan against petitioner and Sukhdev while Govind and Savitri were found innocent. Two injuries attributed to petitioner were declared as dangerous to life.

Learned counsel for the petitioner submits that the petitioner

was arrested on 24.10.2016 and period of one year has passed after his arrest but the prosecution has not been able to conclude its evidence. The material witnesses i.e. complainant and injured have already been examined, as such, the material evidence regarding the occurrence has already come on record and there is no purpose to keep the petitioner in custody.

Learned State counsel submits that allegations against the petitioner are quite serious in nature. On instructions from ASI Mohd. Arun he submits that the injured has been examined in this case but the investigating officer, who is present in Court with the file, is not aware whether the complainant has also been examined.

Without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Arun 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.

November 10, 2017

jk

Whether speaking/reasoned

Whether reportable

**(SURINDER GUPTA)
JUDGE**

Yes/No

Yes/No