

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

CRL. MISC. No.M-35994 OF 2017
DATE OF DECISION : 29th SEPTEMBER, 2017

Lokesh

.... Petitioner

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. K. B. Raheja, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

* * * *

A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this second petition under Section 439 Cr.P.C. seeking regular bail in FIR No.268 dated 19.06.2016 registered under Sections 307, 379B IPC read with Section 34 IPC and Section 25/54/59 of Arms Act at Police Station Bhupani, District Faridabad.

Heard learned counsel for the rival parties.

Learned counsel for the petitioner has pointed out the evidence of the complainant, who has obviously turned hostile and had not supported the prosecution case. He has refused to identify the accused in the Court not once but twice.

According to learned State counsel there is recovery of car from the petitioner. However, investigating officer has deposed that car was found parked in front of some shops in Hapur and thus could not be said that the car was recovered from the petitioner. Nevertheless, counsel for the State submits that the car was recovered in terms of the disclosure statement of the petitioner.

Be that as it may. Since the evidence of the prosecution has been seen by me, the petitioner would be entitled to grant of bail. However, the petitioner to file undertaking not to indulge in such types of offences again and submit a copy thereof before the trial Court and the police station concerned.

In the result, I make the following order:

ORDER

- (i) CRL. MISC. No.M-35994 OF 2017 is allowed.
- (ii) Bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall report to the concerned Police Station every Sunday between 11.00am to 4.00pm. The police shall keep surveillance on the petitioner.
- (iv) The petitioner shall give undertaking to the police station concerned as aforesaid within a period of two weeks from the date of release that he will not indulge in such type of offence in future.
- (v) In case of violation of the above condition on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.

29th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>