

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37811 of 2016
Date of Decision: 08.02.2017

Rajat

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Manoj Kumar Sood, Advocate
for the complainant.

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. 26 dated 12.02.2016 registered for offences punishable under Sections 323, 506 and 307 of Indian Penal Code (for short 'IPC'), at Police Station Tigaon, 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 the petitioner was arrested on 19.05.2016 and is in custody since then. He further submits that the complainant and other material witnesses have already been examined by the prosecution.

Learned State counsel and learned counsel for complainant submit that two other FIRs, one for the offence under Section 302 IPC and other for offences punishable under Sections 324, 323, 506, 148 read with Section 149 IPC and 25 of the Arms Act were also registered against the petitioner, which show that petitioner is habitual offender.

Regarding the FIR registered under Section 302 IPC, learned counsel for the petitioner submits that the petitioner faced trial and has been acquitted, while in other case he is on bail. Learned State counsel does not contradict above submission of learned counsel for the petitioner.

Keeping in view the fact that the petitioner is in custody since 19.05.2016 and material witnesses have already been examined by the prosecution but without expressing any opinion on merits of the case and in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rajat 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.

February 08, 2017

jk

Whether speaking/reasoned

**(SURINDER GUPTA)
JUDGE**

Yes/No

Whether reportable

Yes/No