

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42270 of 2017
Date of Decision: 01.12.2017

Rattan Lal @ Ratni

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, 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.194 dated 15.05.2017 registered for offences punishable under Sections 323/506 of Indian Penal Code (for short, "IPC") at Police Station Bhupani, District Faridabad. (Offences punishable under Sections 302/120-B IPC were added alter on).

Heard.

As per case of prosecution, Govind, brother of complainant was caused injuries by 7 to 8 unidentified persons. When the complainant was taking his brother Govind to hospital, he confided in complainant that injuries were caused to him by Om Parkash @ Sullad son of Rattan Lal brother-in-law of Prem Pal @ Anil son of Rattan Lal and their other friends at the behest of Prem Pal @ Anil and present petitioner.

Learned State counsel submits that in the FIR the petitioner has been named and the co-accused in their confessional statement to police has also named the petitioner in conspiracy for causing injuries to Govind.

Learned counsel for the petitioner submits that the police in its investigation has not found statement of complainant as correct as Prem Pal @ Anil was found innocent. One more accused named in this case, namely, Uttam has been allowed regular bail. The police has also declared three other accused, named by co-accused, as innocent.

Petitioner was arrested in this case on 19.1.2017. Keeping in view the fact that the petitioner has no specific role in the incident; the allegation of conspiracy are based on suspicion of complainant and disclosure statement of co-accused, period of incarceration of petitioner and that conclusion of trial will take considerable long time, the present petition is allowed. Petitioner-Rattan Lal @ Ratni 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.

December 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No