

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44596 of 2016 (O&M)
Date of Decision: 11.01.2017

Azad

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner

Ms. Harpreet Kaur, A.A.G., 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. 258 dated 26.07.2016 registered for offences punishable under Sections 224, 395, 397, 412, 120-B IPC and 25 of the Arms Act, at Police Station Hathin, District Palwal.

Heard.

A police party headed by HC Bharat Singh had taken accused Haroon for his production in Court at Hathin. After his production he was being taken back to Bharatpur when on the way some persons came in Swift car and motorcycle and got released accused-Haroon from police custody. The police arrested brother of the petitioner on the basis of supplementary statement of the constable, who was member of police party. During investigation brother of the petitioner suffered a disclosure statement naming the petitioner as one of

the conspirators and he was arrested on 30.07.2016.

Challan in this case has been presented and charge has also been framed. The witnesses in this case are mostly police officials.

In view of the above and without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Azad is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Palwal, 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(SURINDER GUPTA)
JUDGE

January 11, 2017
jk

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No