

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

**CRM-M-17955-2018
Date of decision: 30.08.2018**

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Dalel Singh Nain, Advocate,
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

Mr. Pawan Attri, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 129 dated 22.04.2017 under Sections 328, 304-B, 498-A and 420 IPC and 15(1), 15(2) of the Medical Act, registered at Police Station Pundri, District Kaithal.

It is contended by learned counsel for the petitioner that the material witness i.e. complainant has been examined before the trial Court, who does not support the prosecution version. The petitioner herein has been in custody since 22.03.2018.

Mr. P. P. Chahar, learned DAG, Haryana opposes the grant of regular bail, however, does not dispute the fact that the material witness i.e. complainant has been examined before the trial Court, who does not support

the prosecution version.

I have heard learned counsel for the parties and in view of the fact that the petitioner has been in custody since 22.03.2018, the material material witness i.e. complainant has turned hostile, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

30.08.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.