

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

**Crl. Misc. No.M-18667 of 2018 (O&M)
Date of Decision: July 30, 2018**

Pawan @ Pona @ Mona

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bijender Dhankhar, Advocate
for the petitioner (s).

Ms. Dimple Jain, AAG, 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. 527 dated 30.11.2015 registered for the offences punishable under Sections 307, 120-B, 216, 34 of Indian Penal Code(for short-IPC) and 25 of Arms Act, 1959, at Police Station Kharkhoda, District Sonipat.

Heard.

The incident in which father of complainant was shot, took place on 30.11.2015. Admittedly, petitioner was in custody in another case bearing FIR No.475 dated 01.11.2014, registered at Police Station Kharkhoda, District Sonipat w.e.f. 02.11.2014.

Learned State counsel on instructions from SI Vijender Singh

submits that the petitioner has been taken into custody in this case under

Section 307 read with Section 120-B IPC.

Report of trial Court seen, as per which, the prosecution has examined 22 witnesses so far. Keeping in view the fact that petitioner was in custody at the time of occurrence and challan has been presented against him for the offence punishable under Section 307 read with Section 120-B IPC and taking note of period of his incarceration but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Pawan @ Pona @ Mona is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

July 30, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No