

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

Criminal Misc.No.M-19207 of 2018 (O&M)

Date of Decision : 08.10.2018

Suresh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, 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.392 dated 30.07.2014, registered under Sections 302, 201, 435, 34 IPC and Section 25 of the Arms Act, at Police Station Hodal, District Palwal.

It has been submitted that PW Vijay Kumar has since died and remaining witnesses did not support the case of the prosecution. He has further submitted that PW1 Dwaraka did not support the prosecution case and nothing is illustrated regarding the commission of crime by the petitioner. It has been further submitted that the petitioner is not named in the FIR and he has been arrayed as an accused on the basis of disclosure statement of co-accused. Nothing has been recovered from the petitioner.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Suresh is ordered to be released on regular bail on furnishing bail bond and surety bond to the

satisfaction of the 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

08.10.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No