

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

CRM-M-21996-2018

Date of decision: November 27, 2018

Rakesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Lakshay Bajaj, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, 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 petitioner-Rakesh in case FIR No.463 dated 28.06.2017 registered for the offences punishable under Sections 148, 149, 325, 506 of Indian Penal Code, 1860 (for short, "IPC") (Section 302 IPC added later on) at Police Station Samalkha, District Panipat.

It is a prosecution story that on 27th June, 2017, Pawan had abused the complainant-Amit as well as his uncle Krishan (since deceased). As such, Krishan stopped him to give abuses, then he gave gandasi blow on the head of Krishan, due to which, Krishan fell down on the ground then he raised alarm and then his associates namely, Rakesh, Sunny, Arun, Annu, Ganja and Mahabir also came there armed with danda, gandasi and lathies. They inflicted injuries on the person of complainant-Amit.

It has been submitted that no injury has been attributed to the petitioner. In fact, the incident had taken place between Pawan on the one hand, complainant-Amit and deceased on the other. At that time, petitioner

was not present. They emerged on the spot much after. Now after recording the statement of some of the witnesses, an application under Section 319 Cr.P.C. was filed which is still pending. Petitioner is in custody since 8th July, 2017.

Keeping in view facts and circumstances of the case and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

November 27, 2018

m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No