

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

**Crl. Misc. No.M-25238 of 2018 (O&M)
Date of Decision: July 02, 2018**

Mukesh

.....PETITIONER(s).

VERSUS

State of U.T, Chandigarh

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

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. 525 dated 28.12.2013 registered for the offences punishable under Sections 452, 323 and 506 of Indian Penal Code at Police Station, Sector-11, Chandigarh.

Heard.

Notice of motion.

On asking of the court, Mr. J. S. Toor, Additional Public Prosecutor, UT., Chandigarh, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The petitioner was earlier on bail in this case. He absented and

arrested on 09.05.2018 and is in custody since then.

Learned counsel for the State submitted that the petitioner was declared proclaimed offender in this case in February, 2015 and five more cases have been registered against him.

Learned counsel for the petitioner submits that in all the five cases, the petitioner has already been granted bail. He could not appear in this case as he was suffering from brain tumour and was under treatment.

Keeping in view the fact that the petitioner has been arrested on 09.05.2018 and is in custody since then and the proceedings in the case are at the initial stage, the present petition is allowed. Petitioner Mukesh 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 the prior permission of the Court.

July 02, 2018
A.Kaundal

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No