

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

**Crl. Misc. No.M-27924 of 2018 (O&M)
Date of Decision: July 12, 2018**

Bhana

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner (s).

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. 265 dated 02.04.2018 registered for the offences punishable under Sections 323, 326-A, 506 read with Section 34 of Indian Penal Code (for short-IPC), at Police Station Assandh, District Karnal.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana, 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.

Heard

As per the allegations in the FIR, petitioner has been attributed injury with sword on the person of complainant.

Learned State counsel submits that during investigation, police has added offence punishable under Section 325 IPC. As per medical record, no injury caused by sharp edged weapon was found on the person of complainant.

Keeping in view the above facts and that the petitioner has been in custody since 21.04.2018, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Bhana 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

The petitioner has not mentioned the offence under Section 325 IPC in the head note and prayer clause. As the police has added this offence during investigation, this bail order be also read as having been allowed bail to the petitioner for the offence punishable under Section 325 IPC.

July 12, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE