

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29798 of 2018
Date of Decision: 10.09.2018

Joginder

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

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.569 dated 29.12.2017 registered for offences punishable under Sections 148/149/302/323/452/307 of Indian Penal Code (for short, "IPC") at Police Station Sonipat Sadar, District Sonipat.

Heard.

Learned State counsel submits that as per allegations in complaint, petitioner alongwith his co-accused had intruded house of complainant. He was armed with *danda* while his co-accused were armed with weapons like *lathies* and *jellies* and caused injuries to Manoj Kumar and his father Randhir Singh, who died of the injuries suffered by him. The cause of death of Randhir Singh has not been established so far as histopathology report has not been received. During investigation, *danda* stained with blood was recovered from the petitioner and in the FSL report, that *danda* was found stained with human blood.

As per medico-legal report, the deceased was having two

abrasions on his person while injured-Manoj Kumar had suffered one lacerated wound and one abrasion injury. In the FIR no specific injury has been attributed to the petitioner, who is in custody since 30.12.2017.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

September 10, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No