

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31268 of 2018
Date of Decision: 01.08.2018

Ajit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sushil Sheoran, 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.115 dated 04.04.2018 registered for offences punishable under Sections 186/307/332/342/353/395/397 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Badhra, District Charkhi Dadri.

Heard.

As per allegations in the FIR, the police party headed by HC Udai Bhan had apprehended the petitioner and recovered 125 boxes of liquor from his vehicle. In the meanwhile, a pick up bearing no. HR-99-AAB(T)-0334 and Linea car bearing registration no. DL-6CJ-8154 came to the spot from which five young persons alighted and put the government vehicle on fire. They also tried to get the petitioner released and attacked the police party.

Learned counsel for the petitioner submits that the petitioner was already in police custody when some persons attacked it in order to get

him released. Offence punishable under Section 307 IPC is not made out against him.

The petitioner was arrested in this case on 04.04.2018 and is in custody since then. After completion of investigation challan has been presented in Court. Witnesses in this case are official witnesses.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

August 01, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No