

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

Criminal Misc.No.M-31947 of 2018 (O&M)

Date of Decision : 19.11.2018

Rajbir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Rakesh Kumar Lathwal, 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 the petitioner in case FIR No.327 dated 01.07.2017, registered under Sections 302, 307, 148, 149, 34, 216 IPC and Section 25 of the Arms Act at Police Station Kharkhoda, District Sonipat.

It has been submitted that the name of the petitioner is not mentioned in the statement of complainant Sobhram recorded earlier. However, the complainant in his supplementary statement recorded on 01.07.2017, has stated that inadvertently the name of Ombir has been mentioned however it was Rajbir. On his statement the name of Ombir was deleted. However, when remand papers were submitted on 02.07.2017, it is mentioned that Ombir and Sombir with their associates made an attack on the deceased. It is simply mentioned that Rajbir was arrested on 01.07.2017. No role has been attributed to him.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

19.11.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No