

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

**Crl. Misc. No.M-34418 of 2018 (O&M)
Date of Decision: August 16, 2018**

Vivek @ Kali

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajvider Kaur, 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. 62 dated 09.03.2016 registered for the offences punishable under Sections 148, 323, 324, 307, 186, 332, 353 read with Section 149 of Indian Penal Code, at Police Station Ambala City.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, 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.

Learned State counsel submits that undertrial Amit was attacked by the petitioner and his co-accused while he was in police

custody. In the occurrence, complainant Sandeep @ Sunny and some police officials have also suffered injuries. The petitioner was arrested in this case on 05.04.2016. The complainant, who appeared before the trial Court as PW3, has not supported the prosecution case and has been declared hostile.

Keeping in view the above facts, period of incarceration of petitioner and that none of the injuries attributed to petitioner was declared dangerous to life but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Vivek @ Kali 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

August 16, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***