

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37034 of 2018
Date of Decision: 04.09.2018

Harvinder

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mukesh Yadav, Advocate
for the petitioner (s).

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.261 dated 03.12.2017 registered for offences punishable under Sections 148/149/307/323/364/449/450 of Indian Penal Code (for short, "IPC") at Police Station Ateli, District Mahendergarh.

Heard.

As per allegations in the FIR, petitioner alongwith other co-accused, named in the FIR, have caused injuries on the person of complainant with iron rod and *danda*. Initially the offence under Section 307 IPC was incorporated in the FIR but after the receipt of medical report, the same has been deleted. Injuries on the person of complainant were found grievous in nature caused with blunt weapon. The petitioner has been attributed *danda* blow on the person of complainant.

Learned counsel for the petitioner submits the petitioner was arrested in this case on 13.12.2017 and is in custody since then. Challan has

already been filed. Though, four other cases have been registered against the petitioner but in three cases he is on bail while in one case he has been acquitted.

Keeping in view the nature of offence, period of incarceration of petitioner and that after filing of challan, conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Harvinder 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 04, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No