

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

**Criminal Misc.No.38433 of 2018 in/and
Criminal Misc.No.M-38843 of 2018 (O&M)**

Date of Decision : 29.10.2018

Rajesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. R.S.Kundu, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

Criminal Misc.No.38433 of 2018

Application is allowed, as prayed for, subject to all just exceptions.

Criminal Misc.No.M-38843 of 2018

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.493 dated 30.05.2018, registered under Section(s) 306, 34, at Police Station Jhajjar, District Jhajjar, Haryana.

Earlier, the petitioner filed a petition i.e. Criminal Misc.No.M-28514 of 2018 which was dismissed as withdrawn vide order dated 16.07.2018.

Learned counsel for the petitioner has submitted that two co-accused namely Somender alias Soma and Rajiv alias Raju have already

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been granted bail by the learned trial court. He has also placed reliance upon the affidavit (Annexure P-3) of complainant.

Learned State counsel has submitted that all the material witnesses have turned hostile.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

29.10.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No