

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

**CRM-M-39493-2018
Date of decision: 14.09.2018**

Rashid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 662 dated 10.12.2017 under Sections 304-B and 34 IPC, registered at Police Station Gohana City, District Sonapat.

It is contended by learned counsel for the petitioner that statement of the complainant has been recorded in which he has not supported the case of the prosecution as set up by it. It is also argued that the trial is likely to take some time to conclude. In this background, he prays for grant of bail to the petitioner.

Mr. P. P. Chahar, learned DAG, Haryana does not dispute the fact that statement of the complainant has already been recorded, who does not support the prosecution case. He, however, opposes the grant of bail to the petitioner on the ground that the allegations against the petitioner are

serious in nature.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 16.12.2017 and the statement of the complainant has been recorded, who does not support the case of the prosecution and the trial is likely to take some time to conclude, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

14.09.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.