

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39917 of 2018
Date of Decision: 18.09.2018

Raj Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jai Singh Yadav , Advocate
for the petitioner.

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.527 dated 17.09.2017 registered for offences punishable under Sections 148/149/323/324/307/452/506 of Indian Penal Code (for short, "IPC") at Police Station Mahendergarh, District Mahendergarh.

Heard.

Learned counsel for petitioner submits that as per allegations in the FIR, petitioner has been attributed wooden stick blow on the arm of Shubh Ram but as per medical report no corresponding injury was found on the person of Shubh Ram. Co-accused with similar allegations, namely, Kela Devi and Kanwar Singh have already been allowed regular bail vide orders dated 02.04.2018 and 23.08.2018 passed in CRM-M-3229-2018 and CRM-M-14287-2018, respectively.

Learned State counsel submits that petitioner has been attributed injury on right arm of Shubh Ram with a wooden stick. However,

medical report has not supported the contention of complainant.

The petitioner was arrested in this case on 16.11.2017 and is in custody since then. After completion of investigation challan against him has been presented in Court.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time and petitioner has not been attributed any injury which was declared dangerous to life, the present petition is allowed. Petitioner-Raj Kumar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 18, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No