

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41778-2018 (O&M)
Date of Decision:-01.10.2018.

Baljinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provisions of Section 439 Cr.P.C. in case FIR No.110 dated 07.08.2014, under Sections 148/149/323/307/302/212/120-B of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Barara, District Ambala.

2.) Learned counsel for the petitioner submitted that petitioner had the benefit of bail. Due to non-appearance on 18.12.2017, bail was cancelled. Thereafter, petitioner surrendered himself on 15.01.2018 and he is in custody since then. Learned counsel for the petitioner further submitted that recording of evidence is completed and now the matter is listed on 8.12.2018 for recording statement under Section 313 Cr.P.C. Hence, petitioner is entitled to the benefit of regular bail.

3.) *Per contra* learned State counsel, on instructions from ASI

Veerbhan resisted the petitioner's contention stating that having regard to the conduct of the petitioner in not co-operating in the matter, rightly Sessions Judge has rejected the petitioner's application. Therefore, no infirmity is forthcoming and petitioner is not entitled to the benefit of regular bail.

4.) Heard the learned counsel for the parties.

5.) Having regard to the fact that petitioner has surrendered on 15.01.2018 pursuant to the cancellation of bail order and the fact that prosecution evidence has been recorded and now the matter is listed for recording statement under Section 313 Cr.P.C. on 8.12.2018, read with the fact that petitioner is not involved in any other case, petitioner is entitled to the benefit of regular bail. Therefore, without expressing any opinion on the merits of the case, present petition is allowed. Petitioner-Baljinder Singh is ordered to be released on bail on his furnishing bail/surety bonds to the entire satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned with the following condition:-

(i) Petitioner shall not in any way indulge in any criminal activities and he shall not influence the witnesses or otherwise interfere with the fair trial.

(P.B. BAJANTHRI)
JUDGE

October 01, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.