

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

Criminal Misc.No.M-42026 of 2018 (O&M)

Date of Decision : 02.11.2018

Mustaq Ali and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Avnish Mittal, Advocate
for the petitioners.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. Rajesh Pal, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J. (Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.175 dated 08.09.2017, registered under Sections 148, 149, 307, 323, 506 IPC, at Police Station Chhapar, District Yamuna Nagar.

Learned counsel for the complainant has submitted that the complainant was gravely injured and he spent more than Rs.2,00,000/- and he is having in his possession the bills of Rs.1,60,000/-.

The petitioners are in custody since 20.09.2017. The injured and eye witnesses have already been examined.

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. Petitioners Mustaq Ali and Akram Khan are ordered to be released on regular bail, subject to deposit of Rs.2,00,000/- as interim compensation, by way of demand draft and 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 petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bond and surety bond and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

The said amount shall be paid to the injured on furnishing a surety for an amount of Rs.2,00,000/- with the undertaking that in case the court asks to return the said amount, he will have to return the same.

The said amount shall be considered by the trial court at the time of deciding the case. However, this shall be without any prejudice to the rights of the parties.

The copy of this order be given dasti to the learned counsel for the petitioners under the signatures of Bench Secretary.

02.11.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No