

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

CRM-M-46512-2017

Date of decision: February 08, 2018

Dharambir @ Kala

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Alisha Soni, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

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 petitioner in first information report bearing No.607 dated 09.09.2017 registered for the offences punishable under Sections 148, 149, 323, 341, 379-B, 427 and 506 of Indian Penal Code (for short, "IPC") at Police Station Samlkha Panipat.

Heard.

It has been submitted that neither petitioner was named in the first information report nor any injury has been attributed to him. His name was arrayed on the basis of supplementary statement of the complainant and *danda* has been recovered from him. He is in custody since 12.09.2017. It has been argued that name of the petitioner has been wrongly implicated after four days of the occurrence without any cogent evidence and supplementary statement is not admissible and acceptable.

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 the fact that no useful purpose will be served by further detention of the petitioner, the present petition is allowed. Petitioner-Dharambir @ Kala son of Sadhu Ram is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned Area Magistrate-cum-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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

February 08, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No