

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-8770 of 2018

Date of Decision: 21.05.2018

Ankush Goel

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Cheema, Advocate
for Mr. Shakti Kaushik, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Akashdeep Singh, Advocate
for the complainant.

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.204 dated 23.10.2017 registered for offences punishable under Sections 148/149/323/324/325/326/307/379B/473/506/120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Chhappar, District Yamunanagar.

Heard.

As per allegations in the FIR, petitioner had come to the spot with one Kamaljeet Singh armed with Danda. The complainant has attributed specific injuries to Kamaljeet Singh and an unknown person, who has been later on named as petitioner. During investigation, iron rod was recovered from possession of the petitioner.

Learned State counsel and learned counsel for complainant

submit that complainant had suffered three fracture injuries out of which two fractures have been attributed to co-accused of petitioner. The third fracture injury was not attributed to petitioner as he was not named in FIR, however this injury was caused by him with blow of iron rod.

The petitioner has not been named in the FIR. As per allegations in the FIR, he has been attributed *danda* blow but during investigation iron rod was recovered from his possession.

In view of above but 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. Petitioner-Ankush Goel 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

May 21, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No