

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

**Criminal Misc.No.M-8992 of 2018 (O&M)
Date of Decision : 20.11.2018**

Vinod

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. R.A.Sheoran, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

Ms. Divya Mahlawat, 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 petitioner in case FIR No.510 dated 26.08.2017, registered under Sections 302, 201, 34 IPC at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and the case is based on circumstantial evidence. He has further submitted that the material witnesses have turned hostile and only four witnesses remained to be examined. He has placed on record the statement of PW3 Dalip, father of deceased and submitted that after cross- examining the said witness by the public prosecutor, there is no improvement in the case of the prosecution. Learned counsel for the petitioner has also placed on record the statements of PW1 Sonia, PW4 Baljit Singh, PW5 Rajbir Singh and PW6 Sonu, who are wife, brother, cousin and brother in law of the deceased respectively but none of them has

supported the case of the prosecution.

Learned State counsel has vehemently conceded that there is no evidence on record which connect the accused with the crime.

Keeping in view the facts and circumstances of the case, this court is of the view that the petitioner is entitled to the benefit of regular bail. As such, the present petition is allowed. Petitioner Vinod 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- (b) *In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.*

20.11.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No