

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

CRM-M-8598-2019

Date of decision: March 05, 2019

Raj Kumar

....Petitioner

Versus

State of UT Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Karan Vir Nanda, Advocate
for the petitioner.

Mr. Kr. Yashwant Singh Rahote, Addl. P.P
for UT Chandigarh

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Raj Kumar in case FIR No.93 dated 09.04.2017, registered for the offences punishable under Sections 279, 337, 304 and 302 of Indian Penal Code, 1860 (for short, "IPC") at Police Station Sector 34, Chandigarh.

Earlier bail petition bearing CRM-M-41212-2018 filed by the petitioner was dismissed solely on the ground that one witness namely Ajay Kumar @ Raju remained to be examined.

Said witness has now been examined and copy of his statement is placed on record as Annexure P-4. He did not support the case of the prosecution.

Learned counsel for UT Chandigarh, on instructions from SI Vijay Kumar, Police Station Sector 34, Chandigarh, has submitted that all the witnesses turned hostile and none of them have been able to support the case of the prosecution and it has been categorically stated that nothing

there at this stage to connect the accused with crime. Petitioner is in custody since 09.04.2017.

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 is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

March 05, 2019
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No