

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22047 of 2019
Date of Decision: 04.07.2019

Satish

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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.854 dated 03.11.2017 registered for offences punishable under Sections 148, 149, 307, 387, 506 and 440 of Indian Penal Code and Section 25 of the Arms Act, at Police Station Mujessar, District Faridabad.

Heard.

As per case of prosecution, the occurrence took place on 03.11.2017, when some persons came to office of complainant-Raj Kumar and fired with their weapons in order to kill him. The whole incident was captured in CCTV camera.

Learned counsel for the petitioner submits that petitioner was arrested in this case on 10.11.2017 and is in custody since then. It is a no injury case. The prosecution has not been able to conclude its evidence so far.

Learned State counsel submits that different accused named in

this case were arrested at different point of time, as such, the prosecution could not conclude its evidence in time. Ten witnesses have been examined so far. However, statement of complainant and other material witnesses is yet to be recorded.

Without expressing any opinion on merit but keeping in view the fact that petitioner is in custody since 10.11.2017, the prosecution has not been able to conclude its evidence so far which will take considerably long time, the present petition is allowed. Petitioner-Satish 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 04, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No