

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

**Crl. Misc. No.M-24054 of 2019 (O&M)
Date of Decision: September 24, 2019**

Ramesh @ Ramesh Chander

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. H.S. Brar, Advocate for
Mr. Jitesh Bhardwaj, Advocate
for the petitioner (s).

Mr. Munish Sharma, 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. 68 dated 27.03.2019 registered for the offences punishable under Sections 148, 323, 365, 506 read with Section 149 of Indian Penal Code (for short-IPC) and 25 of Arms Act (Section 364 IPC added later on and 365 IPC was deleted), at Police Station Julana, District Jind.

Heard.

As per case of the prosecution, petitioner along with others, caught the complainant and caused him injuries. They dragged him inside their house and locked the door. While co-accused were causing injuries, petitioner gave a kick blow on his private part. He then picked up an iron

rod and started hitting his planta (sole of feet). Petitioner then brought a pistol and put the same in the mouth of complainant in order to kill him. In the meanwhile, people gathered at the spot at which petitioner and his other co-accused ran away.

It has been submitted that petitioner was arrested on 28.03.2019. Challan against him was presented on 21.05.2019. Charge has been framed and the case is fixed for prosecution evidence.

Learned counsel for the petitioner submits that there is CCTV recording of the incident, as per which, incident took place in the house of petitioner and not in the house of complainant. It is a cross-version case. Five persons from the side of petitioner have also suffered injuries.

Learned State counsel submits that place of incident is the house of accused as per CCTV footage. Police has not registered any cross-version case for the injuries on the person of 5 persons from the side of petitioners as only one memo was received about the injuries on the person of Sumit, one of the accused and the matter is still being inquired.

At this stage, learned counsel for the petitioner submits that due to non-action on the part of police, co-accused Sumit has filed a criminal complaint against the complainant and other persons, which is pending.

Keeping in view the fact that after completion of investigation, challan against the petitioner has been presented in the Court and conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Ramesh @ Ramesh Chander is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

September 24, 2019

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No