

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25961 of 2019
Date of Decision: 11.07.2019

Lavish Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms.Jasneet Mehra, Advocate
for Mr. Amrainder Singh, Advocate
for the petitioner.

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.17 dated 20.01.2019 registered for offences punishable under Sections 148, 149, 307, 323, 324, 427, 452 and 506 of Indian Penal Code (for short, “IPC”) at Police Station Sadar Yamunanagar, District Yamunanagar.

Heard.

As per case of prosecution, 10/12 boys on motorcycles came to the shop of complainant and raised *lalkara* to kill Shehjad, his son. Shehjad entered the shop out of fear and was followed by those boys, who caused injuries to him with *kirpan* and other weapons. They also caused damage to the shop. Shehjad was taken to hospital, where the doctor found swelling on his body and medically examined him. Complainant named Charlie, Bobby, Bakshi and their associates who committed the crime.

Learned State counsel submits that the entire incident was recorded in the CCTV footage, which shows that petitioner was also present at the spot as member of unlawful assembly but no injury was caused by

him. Seven accused have been arrested in this case so far out of whom five have been allowed bail. The petitioner was arrested in this case on 19.05.2019 and after completion of investigation challan against him has also been presented in Court.

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-Lavish Kumar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 11, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No