

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27279 of 2019
Date of Decision: 30.09.2019

Rohan Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

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.58 dated 28.02.2019 registered for offences punishable under Sections 304, 285 of Indian Penal Code (for short, "IPC") and 25/30 of the Arms Act, at Police Station Sadar Jind, District Jind.

Heard.

Learned counsel for the petitioner submits that initially FIR was registered for offence punishable under Section 302 IPC but the police on investigation deleted the offence under Section 302 IPC and prepared the challan for offence punishable under Section 304A IPC. The petitioner was arrested on 19.03.2019. Thereafter, the police reinvestigated the case and presented the challan under Section 304 Part II IPC.

Learned State counsel on instructions from ASI Ravinder Singh submits that the challan was initially prepared under Section 304A IPC but on further investigation and after recording statements of witnesses, present

at the spot, offence was found to be punishable under Section 304 Part II IPC and challan was presented. The case is with learned Magistrate and has not been committed to Court of Sessions.

Without expressing any opinion on merits of the case and keeping in view the fact that offence under Section 302 IPC has not been found against the petitioner; after completion of investigation challan against him has been presented in Court and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rohan Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

September 30, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No