

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29545 of 2019
Date of Decision: 18.07.2019

Rajesh @ Raja

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Goyat , 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.190 dated 01.04.2019 registered for the offence punishable under Sections 394, 395 and 397 of Indian Penal Code (for short, "IPC") and 3 (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City Hansi, District Hisar. (Offences punishable under Sections 395 and 397 IPC were deleted later on).

Heard.

Notice of motion.

In asking of the court, Mr. Munish Sharma, AAG Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

FIR was registered against the petitioner and his co-accused on the statement of Mukesh, owner of hotel Bundela, wherein he has stated that on 31.03.2019 at about 09.00 p.m., after shutting down his hotel he was

about to leave, petitioner alongwith his co-accused Sonu and others, who were in inebriated condition came there. Accused-Sonu was having *kirpan* in his hand while remaining accused were having *dandas*. They asked for money from complainant. When he refused, petitioner gave a *danda* blow on his head and all the other accused gave him beatings. They removed cash of ₹8000/- to 10,000/- from cash box of the hotel.

The petitioner was arrested in this case on 11.04.2019 and after investigation challan against him has been presented in Court.

Learned State counsel has opposed the bail application of the petitioner on the ground that petitioner has committed two occurrence on the same day and is also involved in eight other cases.

Learned counsel for the petitioner submits that the other cases pertain to the years 2012 to 2014 and petitioner has been acquitted in some of the cases. The conclusion of trial will take considerably long time and no purpose will be served by keeping the petitioner in custody.

The petitioner is in custody for the last three months. Charges against him are stated to have been framed. Statements of prosecution witnesses are yet to be recorded. 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-Rajesh @ Raja 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 18, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No