

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31707 of 2019
Date of Decision: 09.09.2019

Anil

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok K. Sharma Bhana, 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.172 dated 30.03.2018 registered for the offence punishable under Section 379-A of Indian Penal Code (for short, "IPC") at Police Station Safidon, District Jind.

Heard.

Notice of motion.

On asking of the Court, Ms. Dimple Jain, A.A.G. 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 her.

The petitioner was on bail and had absented. He surrendered on 02.04.2019 and was taken into custody. Thereafter, he applied for bail before the trial Court several times and all his applications were declined.

Learned State counsel submits that prosecution has concluded its evidence by now and the case is now fixed for 27.09.2019 for statement

of accused under Section 313 Cr.P.C.

The petitioner was earlier on bail and after his surrender he is in custody for the last more than five months.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that prosecution has already concluded its evidence, the present petition is allowed. Petitioner-Anil 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 09, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No