

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38380 of 2019
Date of Decision: 16.09.2019

Mobilal @ Monu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Saurabh Dalal, 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.468 dated 08.10.2018 registered for offences punishable under Sections 186, 224, 225, 353, 307 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station SGM Nagar, District Faridabad.

Heard.

Notice of motion.

On asking of the Court, Mr. Kuldeep Sharma, DAG, 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.

Learned counsel for petitioner submits that the petitioner has been nominated in this case on the statements of co-accused, namely, Sandeep and Prashant, who have not attributed any role to petitioner except that he came running at the spot.

Learned State counsel submits that one country made pistol and

live cartridges were recovered from the petitioner. However, that pistol has not been sent to Forensic Science Laboratory to verify as to whether it was used in firing at the police party.

The petitioner in this case was arrested on 05.11.2018 and is in custody since then.

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-Mobilal @ Monu 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No