

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41181 of 2019
Date of Decision: 01.10.2019

Ajay Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.N. Lohan, 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.16 dated 16.01.2019 registered for offences punishable under Sections 148, 149, 307, 323, 506 of Indian Penal Code (for short, "IPC") 25 of the Arms Act and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Jind, 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.

As per case of prosecution, occurrence took place on 16.01.2019 at about 02.00 p.m., when 7/8 persons came to bus stand Kinana and caused injuries to complainant's, brother Rajbir (injured) with their

pistols, *lathis*, *dandas* and *gandas*. All the assailants have been named in the FIR.

The petitioner was arrested on 03.03.2019. However, no recovery has been effected from him.

Learned State counsel submits that allegations against the petitioner is that he was alongwith other assailants, who came, attacked and caused injuries to brother of complainant.

Without expressing any opinion on merits of the case and keeping in view the fact that petitioner is in custody and after completion of investigation challan has been presented in Court and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Ajay 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 01, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No