

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-43690 of 2019 (O&M)
Date of Decision: November 21, 2019**

Yogesh

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Saurabh Sharma, Advocate
for the petitioner (s).

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. 248 dated 30.08.2018 registered for the offences punishable under Sections 148, 149, 323, 324, 341 (Section 307 added later on) of Indian Penal Code, at Police Station Kalayat, District Kaithal.

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 the prosecution, the occurrence took place on 30.08.2019 when husband of complainant was caused injuries by Rajender

and his sons Yogesh (petitioner) and Jaideep.

Learned State counsel submits that main injury caused with knife to Ramphal has been attributed to the petitioner, which was declared as dangerous to life. Knife was also recovered from him.

Petitioner in this case was arrested on 21.10.2018. Co-accused i.e. father and brother of the petitioner have already been released on bail. Admittedly, after the presentation of challan, even the charge has not been framed so far. Keeping in view the above facts and that the conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Yogesh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

November 21, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No