

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

**Crl. Misc. No.M-43724 of 2019 (O&M)
Date of Decision: November 22, 2019.**

Birju

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dhruv Gupta, 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. 136 dated 24.02.2018 registered for the offences punishable under Sections 147, 148, 149, 324 of Indian Penal Code (for short IPC) (Section 307 IPC added later on) at Police Station Sector-5, District Panchkula.

Heard.

Notice of motion.

On asking of the court, Mr. Munish Sharma, Asst. 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 him.

Heard.

As per the case of prosecution, the occurrence took place on

the petitioner and other co-accused with *Lathis and dandas* and caused serious injuries.

Learned State counsel submits that the injured had suffered three injuries on his parietal bone and one injury was declared as danger to life which has been attributed to co-accused Sunil. The role of the petitioner is that he caught hold to injured when he was being given injuries.

The petitioner was arrested in this case on 10.05.2018. After completion of investigation, challan against him has been filed in the Court and trial is in progress. Till date, prosecution has examined only one witness out of 12 witnesses.

Keeping in view the fact that completion of trial will take considerably long time, the present petition is allowed. Petitioner-Birju 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

November 22, 2019
Jyoti-II

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No