

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46564 of 2019
Date of Decision: 06.11.2019

Aakash

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Anita Sharma, 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.10 dated 12.01.2019 registered for offences punishable under Sections 307, 324, 326, 34 and 341 of Indian Penal Code (for short, "IPC") at Police Station Parao, Amabala Cantt. District Ambala.

Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG 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.

The petitioner was arrested in this case on 13.01.2019. As per allegations in the FIR, he caused injuries with knife in the chest, thigh, right arm and back of complainant.

It is not disputed that petitioner was 17 years and 08 months of age at the time of commission of crime and his case was sent by Juvenile

Justice Board for trial before the Children Court. The petitioner has challenged that order by filing petition (CRM-M-44221-2019), which is fixed for 20.01.2020.

Without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner; and that after completion of investigation challan against him has been present in Court; till date not even a single witness has been examined by the prosecution; and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Aakash 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 06, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No