

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

**(1) Crl. Misc. No.M-53334 of 2019 (O&M)
Date of Decision: December 18, 2019**

Santosh KumarPETITIONER

VERSUS

State of HaryanaRESPONDENT.

(2) Crl. Misc. No.M-53336 of 2019 (O&M)

Sunny @ Indel KumarPETITIONER

VERSUS

State of HaryanaRESPONDENT

(3) Crl. Misc. No.M-53350 of 2019 (O&M)

Anil KumarPETITIONER

VERSUS

State of HaryanaRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parminder Singh, Advocate
for the petitioner(s) in all the petitions.

SURINDER GUPTA, J.(Oral)

Heard.

All these petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 502 dated 18.07.2019 registered for the offences punishable under Sections 114, 148, 149, 307, 323, 325, 379-B, 417 and 506 of Indian Penal Code at Police Station Gharaunda, District Karnal.

Notice of motion.

On asking of the court, Mr. Kuldeep Sharma, D.A.G., Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petitions has already been received and record of the case is available with him.

As per case of the prosecution, the incident took place on 11.07.2019 at Chardi Kala Dhaba, village Gharaunda, District Karnal. The complainant had gone there to have meals where he had altercation with Balkar Singh and Gaurav, who slapped him. The complainant ran away from the spot at which Gaurav and Balkar Singh told about 10/12 eunuches, who were present there to snatch his articles and also provided *Dandas* to them. When those persons were causing injuries to complainant, Gaurav was preparing a video. An amount of ₹5000/- lying in the pocket of the complainant was also snatched.

Learned counsel for the petitioners submits that petitioner Anil Kumar was arrested on 19.07.2019 while Santosh and Sunny were arrested on 20.07.2019. An amount of ₹1500/- has been recovered from them and after completion of investigation, challan against them has been presented before the Court. The petitioners, who were not named in the FIR, have been nominated on the basis of video of the incident.

Keeping in view the fact that the challan against the petitioners has been presented before the Court and conclusion of trial will take considerably long time, the present petitions are allowed. Petitioners- Santosh Kumar, Sunny @ Indel Kumar and Anil Kumar are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate,

subject to following terms:-

- a. The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- c. They shall not leave the country without the prior permission of the Court.

December 18, 2019

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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***