

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

CRM-M-55567-2018

Date of decision: March 27, 2019

Harkesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Saurabh Bajaj, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Harkesh in case FIR No.120 dated 18.04.2018, registered for the offences punishable under Sections 148, 149, 323, 427, 452, 379-B, 302, 307 of Indian Penal Code (for short, "IPC") and Section 25 of Arms Act, 1959 at Police Station Model Town, District Rewari.

This case is based upon circumstantial evidence.

Learned State counsel has submitted that one motorcycle as well as danda have been recovered from the petitioner but learned counsel for the petitioner submitted that the prosecution failed to connect the said motorcycle with the crime and no injury with danda has been attributed to the petitioner. Co-accused Lalit @ Dabbu to whom danda blow was attributed, has already been granted bail by the coordinate bench of this court vide order dated 07.02.2019 passed in CRM-M-4593-2019.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long

time, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

March 27, 2019
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No