

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

CRL. MISC. No.M-17302 OF 2015 (O&M)

DATE OF DECISION : 16th July, 2015

Shankar & another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. P. S. Jakhar, Advocate for the petitioners.

Mr. Vikramjit Singh, Additional Advocate General, Haryana.

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SURINDER GUPTA, J. (ORAL)

CRM No.17477 of 2015

The application is allowed and Annexures P-1 and P-2 are taken on record, subject to all just exceptions.

CRL. MISC. No.M-17302 OF 2015

This petition has been filed for grant of regular bail to the petitioners in case bearing FIR No.38 dated 30.01.2015 registered at Police Station Sohna, District Gurgaon for offences punishable under Sections 398 and 401 IPC and Section 25 of the Arms Act.

Heard.

Notice of motion.

On asking of the court, Mr. Vikramjit Singh, Additional Advocate General, 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.

After arguing for some time, learned counsel for the petitioners seeks permission to withdraw the instant petition qua petitioner No.1-Shankar.

Dismissed as withdrawn qua petitioner No.1-Shankar.

As per the case of the prosecution, petitioner No.2-Lakhan along with his co-accused was arrested by police party when they were standing on the bridge of canal and were attempting to loot the passerby passing from there. They also stopped a police vehicle and were arrested at the spot. As per the prosecution, recovery of torch was effected from the petitioner No.2. There is no other FIR registered against the petitioner No.2, while co-accused i.e. petitioner No.1-Shankar is wanted in another FIR.

Keeping in view the above fact and that the challan has already been presented against the petitioner and trial is going on, but without expressing any opinion on merits of the case, the present petition is partly allowed qua petitioner No.2-Lakhan only. Petitioner No.2-Lakhan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the Trial Court/Duty Magistrate, Gurgaon subject to following terms:-

1. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
2. 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 before the trial Court.

3. He shall not leave the country without previous permission of the Court.

16th July, 2015
'raj'

(SURINDER GUPTA)
JUDGE