

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-38639-2014

Date of decision : 06.02.2015

Kuldeep @ Doctor

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.N.S.Shekhawat, Advocate
for the petitioner.

Ms.Neelam Kashyap, DAG, Haryana.

REKHA MITTAL, J.(ORAL)

Affidavit of Inderjeet Singh, Assistant Commissioner of Police,
Udyog, Gurgaon filed in the Court is taken on record.

The petitioner prays for grant of regular bail in FIR No.144
dated 15.03.2014 registered in Police Station Palam Vihar, District Gurgaon
for offence punishable under Sections 398, 401 of the Indian Penal Code (in
short 'IPC') and Section 25 of the Arms Act.

Counsel for the petitioner has submitted that as per allegations
set up in the FIR, the petitioner along with two more boys tried to loot the
police vehicle at about 7.30 PM on 15.03.2014 in the city of Gurgaon. It is
argued that the story set up by the prosecution is highly improbable. There
are four more cases registered against the petitioner and the petitioner is on
bail in all those cases and none of those cases are on the allegations similar
to the one raised in the present case. The petitioner is in custody since the

lodging of FIR and conclusion of trial is likely to take its own time.

Counsel for the State argues that keeping in view that five criminal cases are pending against the petitioner, there is likelihood of his misusing concession of bail and he may commit another crime. However, he has conceded that the petitioner is on bail in other cases and is facing trial without default.

There is no allegation against the petitioner that he ever misused concession of bail allowed to him in other cases. It is also not plea of the prosecution that the petitioner does not have a permanent place of stay and is likely to flee from process of justice in case enlarged on bail. The other criminal cases registered against the petitioner are of different nature than the one at hand. The petitioner is ready to face proceedings in accordance with law.

Without meaning to express any opinion on merits of the controversy, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to satisfaction of the trial Court, subject to the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

February 06, 2015.

DK