

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-4056-2015

Date of decision : 12.02.2015

Anil @ Kala @ Dudhu

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Pawan Kumar Hooda, Advocate
for the petitioner.

Ms.Neelam Kashyap, DAG, Haryana.

REKHA MITTAL, J.(ORAL)

The petitioner prays for grant of regular bail in FIR No.34 dated 22.01.2014 registered in Police Station Kharkhoda, District Sonapat for offence punishable under Sections 395, 397 of the Indian Penal Code (in short 'IPC') and Section 25 of the Arms Act.

Counsel for the petitioner submits that the petitioner is not named in the FIR nor any description of the persons who committed offence has been given. The petitioner has been indicted in the crime on the basis of statement made by co-accused. The petitioner is in custody since February 2014 and conclusion of trial is likely to take some time. He is ready to face proceedings without any default.

Counsel for the State, on instructions from ASI Shamsher Singh, has submitted that during investigation, recovery of one mobile phone stolen from the shop of the complainant was effected from the

petitioner. In view of gravity of offence under Sections 395 and 397 IPC charged against the petitioner along with his co-accused, he does not deserve to be enlarged on bail.

The complainant in the case has already been examined before the trial Court and as per his version, he had not given description of the accused by lodging the FIR. The petitioner is in the custody for the past about one year. Conclusion of trial is likely to take its own time. It is not the 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.

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 12, 2015.

DK