

CRM-M-7347 of 2015(O&M) 1

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

CRM-M-7347 of 2015(O&M)

Date of decision : 08.05.2015

Khussi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.J.S.Hooda, Advocate
for the petitioner.

Mr. R.S.Doon, AAG, Haryana.

DARSHAN SINGH,J(Oral)

CRM-15202 of 2015.

This application has been filed for placing on record the copy of report under Section 173 Cr.P.C and the disclosure statement of the petitioner.

Heard.

In view of the reasons mentioned in the application, the application is allowed and these documents are taken on record subject to just exceptions of the opposite party.

Main petition.

This petition has been filed by petitioner Khussi for grant of

the regular bail in case FIR No. 532 dated 24.09.2014, under Sections 392, 397, 411, 412 read with Section 34 of Indian Penal Code, 1860 (for short IPC) and Section 25 of the Arms Act.

As per the prosecution allegations, the present petitioner and their co-accused committed the robbery of truck loaded with articles on 24.09.2014. Later on the empty truck was recovered near the Toll Tax, Behrod road, Alwar and the stolen property was recovered on the basis of the disclosure statement of the co-accused.

Learned counsel for the petitioner pleads that the petitioner is in custody since 04.11.2014. No recovery of any stolen property was effected from the possession of the present petitioner. He has simply been implicated on the basis of the disclosure statement of the co-accused. His name does not figured in the FIR.

Learned State counsel has opposed the plea of bail on the ground that the petitioner has participated in the commission of the dacoity. The truck loaded with the articles was looted at the point of pistol.

I have duly considered the aforesaid contentions.

This fact is not disputed that the name of the petitioner is not mentioned in the FIR. The empty truck was recovered while parked near Toll Tax, Behrod road, Alwar. The stolen articles were recovered on the basis of the disclosure statement made by co-accused Sube Singh and no recovery of stolen property has been effected from the present petitioner. The petitioner is in custody since 04.11.2014 and co-accused Sube Singh has already been granted the concession of bail by the Coordinate Bench.

Petitioner is also entitled for the similar concession on the principle of parity.

Thus, the present petition is hereby allowed and petitioner Khussi is ordered to be released on bail on furnishing requisite bail bonds to the satisfaction of learned Chief Judicial Magistrate, Palwal subject to the following conditions:-

- (i) that the petitioner will not directly or indirectly contact any witness acquainted with the facts of the case ;
- (ii) that the petitioner will not give any inducement, threat and promise to any witness ;
- (iii) that the petitioner will not commit any crime of similar nature and in case it is found that the petitioner has committed any crime of similar nature, then the trial Court is competent to cancel this bail order and cancel the bail ;
- (iv) that the petitioner will not leave the country without prior permission of Court and will surrender his passport before the trial Court. The same will be returned to the petitioner on conclusion of the trial. In case, there is no passport issued to the petitioner, he shall file his affidavit to this effect.

08.05.2015

s.khan

**(DARSHAN SINGH)
JUDGE**