

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11606 of 2017
Date of Decision: 17.04.2017

Gaurav Marwaha @ Raju Landa

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.61 dated 02.04.2012 registered for offences punishable under Sections 394, 452, 427, 323, 506, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Sadar Amritsar, Amritsar City.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, 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 her.

Learned counsel for petitioner submits that though the petitioner was named in the FIR but his address was given as Street No. 10, Jagdambe Colony while he is resident of Chhehrata at the address given in this petition. In the year 2012, he was admitted in hospital on 30.03.2012 and was discharged on 02.04.2012. The occurrence is alleged to be of

01.04.2012. In the FIR, it is mentioned that the petitioner had come to the shop of complainant alongwith 8 persons with muffled faces but the police has not challaned any of the person or could trace any of them. The petitioner is living at house No. 990, Gali Mandir Wali, Japani Avenue, Chhehrata, Amritsar and never received any notice from the police concerning this case. He was even not aware of his being declared as proclaimed offender on 30.08.2013.

Learned State counsel submits that the petitioner was earlier living at Street No. 10, Jagdambe Colony but later on shifted to Chhehrata. He could be arrested only on 01.09.2016.

As per FIR, the petitioner alongwith 8 persons have come to the shop of complainant and snatched some money from the petitioner and a gold chain from his wife.

The petitioner was arrested on 30.11.2016 and is in judicial custody since then. Challan has been presented and charges have also been framed against the petitioner.

In view of above but 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-Gaurav Marwaha @ Raju Landa is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, 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 previous permission of the Court.

April 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No