

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14029 of 2017
Date of Decision: 01.05.2017

Ashish Gulia

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tajender K. Joshi, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 260 dated 26.11.2016 registered for offences punishable under Sections 398, 401 and 412 of Indian Penal Code (for short, "IPC"); 25 of the Arms Act; and 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bond Kalan, District Bhiwani.

Heard.

Notice of motion.

On asking of the court, Ms. Neelam Kashyap, DAG, 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 her.

As per case of prosecution, a secret information was received that certain persons armed with weapons were present near bridge on the road leading from village Achina to village Tal. Police on reaching the spot had arrested petitioner and his three associates. A weapon i.e. 32 bore pistol

was recovered from the petitioner.

The petitioner was arrested on 26.11.2016. After investigation, police has presented the challan against him and other co-accused.

The petitioner was also arrested in another case bearing FIR No. 938 of 2016 at Police Station Gurgaon, in which he is on bail.

As to whether petitioner and his co-accused were present with weapons, at the place from where they were apprehended, to loot the people is a fact to be seen and ascertained by the trial Court on the basis of evidence produced before it. No purpose will be served by keeping the petitioner behind bars.

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-Ashish Gulia 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.

May 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No