

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14870 of 2017
Date of Decision: 05.05.2017

Bijender

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naren Pratap Singh, Advocate with
Mr. Sunil Panwar, 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.70 dated 20.02.2017 registered for offences punishable under Sections 379-A, 120-B and 171 of Indian Penal Code (for short, "IPC") at Police Station Murthal, Sonapat.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, 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.

The petitioner was arrested in this case on 21.02.2017. FIR was registered on the statement of Deepak son of Kulbhushan Chaudhary, who has stated therein that he was carrying ₹38,09,000/- in a cardboard box from Delhi and stopped at Murthal to have meal. When he was going inside Sagar Ratna to have meal alongwith that carton, 5-6 persons were standing near a

Ertiga car of white colour and one Surinder, who was out of those 5-6 persons, snatched that carton from him. All those persons sped away from the spot in the Ertiga car.

Learned State counsel submits that petitioner is not named in the FIR but his name has been disclosed by co-accused, namely, Santosh and Rachit. Recovery of ₹1 lac out of the looted amount was effected from one Ravi @ Gorkha and ₹4 lacs from the house of Surinder. No recovery was effected from the petitioner. She further submits that after investigation the police has presented challan against petitioner and charges have also been framed.

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-Bijender 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 05, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No