

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14897 of 2017
Date of Decision: 14.07.2017

Dharambir

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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.763 dated 27.11.2016 registered for offences punishable under Sections 379-B, 435 and 506 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Model Town Panipat, District Panipat.

Heard.

Learned counsel for the petitioner submits that co-accused, namely Rinku @ Bhola and Suresh have been allowed regular vide order dated 10.07.2017 passed in CRM-M-17622 of 2017. He further submits that complainant and eye-witness have been examined in this case and they have turned hostile. He seeks bail for the petitioner on the ground of parity with co-accused Rinku @ Bhola and Suresh.

Learned State counsel also submits that complainant and eye-witness examined in this case have not supported the case of prosecution.

Applying the principle of parity 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-Dharambir 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 14, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No