

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-19885 of 2017
Date of Decision: 25.09.2017

Vikas @ Hakla

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjeev Kadian, Advocate
for Mr. Ashok Kumar Sehrawat, Advocate
for the petitioner.

Mr. Deepak Grewal, 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.57 dated 10.03.2016 registered for the offence punishable under Section 379-A and 412 of Indian Penal Code (for short, "IPC") at Police Station Baroda, District Sonapat.

Heard.

Instant FIR was recorded on the statement of Mohammad Hayat son of Iqbal, who has stated in his complaint to police that on 08.03.2016, he was taking 840 bags of salt from Rajasthan to Haridawar. When they reached Meham road near Ahulana Sugar Mill, a car of white colour came on the road and blocked the passage of his truck. Occupants of that car dragged the complainant and conductor-Ahsan out of the truck and took them in their vehicle and dropped them at some undisclosed place in a field. When complainant again reached the spot he found his truck missing.

Learned State counsel submits that name of the petitioner was

nominated on the disclosure statement of co-accused-Vikas.

After completion of investigation, police has presented challan and trial is in progress.

Learned counsel for the petitioner submits that statement of complainant has been recorded in this case on 25.04.2017 and he has turned hostile and did not identify the petitioner. No recovery was effected from petitioner against whom the only evidence is disclosure statement of co-accused - a fact, which learned State counsel has not contradicted.

In view of above but without expressing any opinion merits of the case and keeping in view the fact that the petitioner is in custody for the last more than one year and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Vikas @ Hakla 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.

September 25, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No