

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21483 of 2017
Date of Decision: 05.07.2017

Anil

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tajender K. Joshi, 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. 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 Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Bond Kalan, District Bhiwani.

Heard.

Learned counsel for petitioner submits that co-accused Ashish Gulia has already been allowed regular bail vide order dated 01.05.2017 passed in CRM-M-14029 of 2017. The petitioner was arrested alongwith him on 26.11.2016. On the ground of parity, he seeks bail for the petitioner as well.

Learned State counsel submits that the petitioner is accused in other four cases in which he is on bail and in one case he has been acquitted.

As per case of prosecution, petitioner was arrested by the police

of Police Station Bond Kalan, District Bhiwani on the basis of secret information that he alongwith his co-accusd armed with weapon were present near bridge on the road leading from village Achina to village Tal. Besides recovery of a torch, 10 gms. of smack was also recovered from him, which falls in non-commercial quantity.

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-Anil 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 05, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No