

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22947 of 2017

Date of Decision: 06.07.2017

Jarnail Singh and another

....Petitioners

VERSUS

State of Punjab

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagmeet Singh Moudgil, Advocate
for the petitioners.

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.81 dated 01.06.2017 registered for offences punishable under Sections 457 and 380 of Indian Penal Code (for short, "IPC") at Police Station Dirba, District Sangrur. (Offence punishable under Section 411 IPC was added later on).

Heard.

Notice of motion.

On asking of the court, Ms. Rajni Gupta, Sr. DAG, Punjab, 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.

FIR was registered for theft in the godown of complainant. During investigation, 236 bags of wheat stolen from the godown were recovered from possession of petitioners.

Learned counsel for petitioners submits that even if version of prosecution be believed, the offence disclosed against petitioners is under

Section 411 IPC and not under Sections 457 and 380 IPC. Petitioners were arrested on 06.06.2017 and are in custody since then.

Learned State counsel submits that the matter is still under investigation and challan has not been presented so far.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of investigation and trial will take considerably long time, the present petition is allowed. Petitioners, namely, Jarnail Singh and Rajbir Singh are 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) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

July 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No