

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22964 of 2017
Date of Decision: 27.10.2017

Manoj and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajat Gautam, Advocate
for the petitioners.

Mr. Ashish Yadav, Addl. AG, 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.33 dated 29.01.2014 registered for offences punishable under Sections 396 and 201 of Indian Penal Code (for short, "IPC") at Police Station Pataudi.

Heard.

Learned State counsel submits that the police has verified and found that vehicle bearing registration no. HR-15C-2323, which find mentioned in disclosure statement of Sandeep @ Lohar, wherein he has stated that they had planned this incident and used the above vehicle for the occurrence in January, 2014 was in fact manufactured in 2015. He further submits that though the vehicle in the statement of Sandeep @ Lohar was not in existence at the time of occurrence but the other facts and circumstances like identifying the place of occurrence proves that petitioners, who are also involved in other similar cases, were involved in

the incident in this case.

The very basis of arresting petitioners in this case is disclosure statement of Sandeep @ Lohar. The vehicle stated to have been used in the crime was not even manufactured at the relevant time.

Keeping this fact in view but without expressing any opinion on merits of the case and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Manoj and Sunil 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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bond and surety bond 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.

October 27, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No