

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-26240 of 2017 (O&M)
Date of Decision: September 18, 2017.**

Balkaran Khan alias Balkar

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parampreet Singh Brar, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, A.A.G. Punjab.

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. 25 dated 18.03.2017 registered for the offences punishable under Sections 379-B, 324 read with Section 34 of Indian Penal Code (for short-IPC) and Section 25 of Arms Act, at Police Station Sadar Kotkapura, District Faridkot.

Heard.

Learned counsel for the petitioner submits that petitioner in this case was arrested on 12.05.2017. The police after investigation has dropped offence punishable under Section 25 of Arms Act and has presented challan under Section 379-B, 324 read with Section 34 IPC. The complainant has alleged that petitioner along with his co-accused had snatched gold jewellery, motorcycle and mobile phone of wife of complainant but the police has not effected any recovery from him. Admittedly, there is enmity

between the parties as wife of complainant had got registered FIR against maternal uncle of accused-petitioner.

Learned State counsel submits that though no recovery has been effected from the petitioner, he is named in the FIR and has been assigned reason for the incident. Non-recovery of articles snatched in the occurrence, is no reason to extend the benefit of regular bail to the petitioner.

Challan has already been presented in this case. Framing of charge and conclusion of trial will take considerable long time.

In view of the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Balkaran Khan alias Balkar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

September 18, 2017
Sachin M.

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No