

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30901 of 2017
Date of Decision: 12.09.2017

Jal Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

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.198 dated 04.06.2017 registered for offences punishable under Sections 186, 332, 353, 379-A read with Section 34 of Indian Penal Code (for short, “IPC”) at Police Station Chandhut, District Palwal.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, 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 him.

The occurrence took place on 04.06.2017, when four persons came to booth of toll collection and looted ₹12,000/- from the person posted there. One of the person, who was member of party which looted the booth, was named in the FIR as Bobby. The petitioner was named by Bobby as his accomplice. The police after arresting petitioner effected recovery of

₹4000/- from him.

Learned counsel for the petitioner submits that disclosure statement of Bobby, who is named in the FIR, is not admissible against petitioner and there is no other evidence available on record to establish his identity. The petitioner was arrested on 04.06.2017 and is in custody since then.

Learned State counsel submits that after completion of investigation police has presented the challan against petitioner and trial is in progress.

Keeping in view above facts but without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jal Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No