

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31437 of 2017
Date of Decision: 12.09.2017

Vinod and anotherPetitioners

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhupinder Malik, Advocate
for the petitioners.

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.319 dated 07.11.2016 registered for the offence punishable under Section 379-B of Indian Penal Code (for short, "IPC") at Police Station Panipat Sadar, District Panipat.

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 above mentioned FIR was registered on the statement of complainant-Kartik Mohanty, who has stated therein that on 06.11.2016 at about 11.40 p.m., he was returning to his quarter after his duty hours. On the way, three boys came on motorcycle and snatched his money and mobile phone. Petitioners were arrested in this case on 04.01.2017 and are in

custody since then.

Learned State counsel submits that petitioners were nominated in this case on the basis of his disclosure statement in case bearing FIR No. 361 dated 16.12.2016, registered at Police Station Panipat Sadar. However, no recovery of snatched articles was effected from their possession.

Learned counsel for petitioners submits that co-accused Rohit @ Golu from whom no recovery was effected, has already been released on bail vide order dated 26.07.2017 passed in CRM-M-26027-2017 and prays for grant of bail to petitioner on the ground of parity.

Applying the principle of parity with co-accused Rohit @ Golu, who has already been released on regular bail, 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. Petitioners, namely, Vinod and Rohit 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 petitioner 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.

September 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No