

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34542 of 2017
Date of Decision: 22.09.2017

Pardeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pawan Kumar Hooda, 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.481 dated 30.07.2015 registered for offences punishable under Sections 452, 392 read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act at Police Station Samalkha, District Panipat.

Heard.

Notice of motion.

On asking of the court, Mr. Ashish Yadav, Addl. AG, 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.

FIR in this case was registered on the complaint of Ashok Kumar concerning the incident that took place on 30.07.2015, when three unidentified persons came to his shop, took away cash of ₹1500/-, one laptop and one mobile (Samsung company) at pistol point. The petitioner was arrested in another case bearing FIR No. 97 dated 02.07.2016,

registered at Police Station Bapoli, District Panipat and on the basis of disclosure statement in that case he was arrested in this case.

Learned counsel for the petitioner submits that no recovery was effected from the petitioner and his identity has also not been got established from the complainant or any other witness.

Learned State counsel submits that there are three more cases against the petitioner relating to dacoity. However, he submits that in this case no recovery has been effected from the petitioner and identification of the petitioner has also not been got established from complainant.

Without expressing any opinion on merits of the case and keeping in view the fact that the petitioner is in custody for the last more than one year and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pardeep 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 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No