

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35844 of 2017
Date of Decision: 06.12.2017

Pardeep Kumar @ Deepa

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, 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.157 dated 16.10.2016 registered for offences punishable under Sections 399/402 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station City Nawanshahr, District SBS Nagar.

Heard.

As per allegations in the instant FIR, in a raid conducted by Inspector Dilbagh Singh on the basis of secret information, petitioner and his co-accused were apprehended alongwith weapons while planning to commit thefts and dacoities. From possession of the petitioner a *datar* was recovered. He is in custody since 16.10.2016.

Learned counsel for the petitioner submits that the petitioner was declined bail by the lower Court with the observation that he is an accused in cases bearing FIR Nos. 107 dated 10.07.2016, 86 dated 15.06.2016 and 84 dated 10.06.2016, registered at Police Station City

Nawanshahr. In all the above referred cases, the petitioner has since been acquitted.

Learned State counsel submits that the petitioner has been acquitted in aforesaid cases but he is an accused in case bearing FIR No. 31 dated 02.05.2016.

In view of above facts; period of incarceration of petitioner and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pardeep Kumar @ Deepa 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

December 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No