

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35907 of 2017
Date of Decision: 29.09.2017

Surjeet

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manoj Chahal, 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.535 dated 10.08.2017 registered for offences punishable under Sections 341, 379-A, 506 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station City Rohtak, District Rohtak.

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.

Learned State counsel submits that FIR was registered on the statement of Sandeep, wherein he has stated that on 09.08.2017 at about 01.00 p.m., he was driving his Pick Up van with buffalos loaded in it. When he reached near Nissan Showroom ahead of Jind by-pass road Rohtak, a car bearing registration no. HR-12-W-4178 blocked their way. Two persons

came out from that car and one removed the key of Pick Up. They took out ₹300/- from the pocket of complainant. They also gave slap and fist blows to them. At the time of occurrence both the assailants were addressing each other as Kapil Barahi and Surjeet Bamliya.

The petitioner was arrested in this case on 10.08.2017 on the basis of secret information. Though, petitioner is named in the FIR but his identification has not been got conducted from the complainant.

Learned State counsel submits that after completion of investigation, police has presented the challan in Court.

Without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner, nature of offence committed by him and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Surjeet 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 29, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No