

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42467 of 2017
Date of Decision: 17.11.2017

Vijay

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Deepshikha Chauhan, 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.33 dated 29.01.2014 registered for offences punishable under Sections 396, 201 and 412 of Indian Penal Code (for short, "IPC") at Police Station Pataudi, District Gurugram.

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 deceased-Dilbar was driver of the truck carrying copper, which was looted by accused, namely, Manoj, Sunil, Avdhesh, Vinod, Sandeep and one Gajender. They killed Dilbar and buried his dead body under the heap of *bajra* crop residue. Allegation against the petitioner is that he had purchased the copper looted by aforesaid

accused from the truck.

The petitioner was arrested on 29.03.2017 and is in custody since then. As per police version, petitioner is not connected with dacoity or murder of Dilbar.

In view of above 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. Petitioner-Vijay 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No