

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45776 of 2017
Date of Decision: 07.12.2017

Sunil Kapoor and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mohd. Yousaf, 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 petitioners in case FIR No. 149 dated 30.06.2017 registered for offences punishable under Sections 379-B read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Division no. 7 Ludhiana, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. Karanbir Singh, AAG, Punjab, 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 counsel for petitioners submits that petitioner no. 1- Sunil Kapoor was arrested on 14.10.2017 while petitioner no. 2-Rakesh Kumar was arrested on 16.10.2017 on the disclosure statement of Irshad Malik, who was arrested in another case bearing FIR No., 385 dated 11.09.2017, registered at Police Station Basti Jodhewal, Ludhiana. No

recovery has been effected from petitioners. No test identification parade of petitioners has been got conducted.

Learned State counsel submits that the motorcycle of the complainant was recovered in this case from the place near Central Jail, Ludhiana. Petitioners were named by Irshad Malik, who admitted commission of offence alongwith petitioners in this case while he was in custody in another case.

Keeping in view the fact that matter is still under investigation and completion of investigation and presentation of challan will take considerably long time, the present petition is allowed. Petitioners, namely, Sunil Kapoor and Rakesh Kumar are ordered to be released on regular bail on furnishing bail bonds and surety bonds 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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

December 07, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No