

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-634 of 2017

Date of Decision: 18.01.2017

Salman and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarfraj Hussain, 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.105 dated 22.04.2016, registered for offences punishable under Sections 328, 379, 379-B, 392, 395 and 411 of Indian Penal Code (for short 'IPC'), at Police Station Rai, Sonapat.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, 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 her.

Case for offences punishable under Sections 328, 379, 379-B, 392, 395 and 411 IPC was registered on complaint of Sakir son of Jayoti Ajmat Mev. As per allegations in FIR, complainant was taking his vehicle bearing registration no. HR-55-S-9671 (container) towards Ahmedabad, Gujarat to deliver consignment. Near Chanhethi railway crossing, his vehicle

in front of the vehicle of complainant. They took control of the vehicle of complainant and then made him to sit in Fortuner car, where he was administered water containing some intoxicant, as a result of which he became unconscious and gained consciousness in evening on 20.04.2016. On enquiry from villagers, he found himself in village Jagdishpur.

Petitioners were arrested in this case on 05.05.2016. As per prosecution case, they made disclosure statement regarding this incident before the Delhi Police, where they were arrested in a case registered under Arms Act. They have also been named by co-accused in their disclosure statement. Challan in this case has been presented by the police.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of the trial will considerably take long time, the present petition is allowed. Petitioners, Salman and Sazid are 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) 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 petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bond and surety bond 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.

January 18, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No