

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9485 of 2017

Date of Decision: 11.07.2017

Ratandeep Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Balbir Singh Sewak, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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.217 dated 09.07.1999 registered for offences punishable under Sections 3, 4 and 5 of Explosive Substance Act, 1908 and 25 of the Arms Act, at Police Station Safidon, District Jind.

Heard.

Learned counsel for petitioner submits that allegations against the petitioner is that he has supplied one mouser, two magazines, certain cartridges, ten pencil detonators, one electrical vole detonator (empty) etc. to co-accused Sher Singh, who was arrested in this case, tried and acquitted by the court on 03.11.2003. The petitioner, who was declared proclaimed offender in this case, was arrested on 10.11.2015 and challan was presented against him on 08.02.2016. Once the prosecution has failed to prove recovery of explosive substance from Sher Singh, there remains no case against the petitioner as he was nominated in the disclosure statement of

Sher Singh.

Learned State counsel submits that after presentation of challan three out of 17 witnesses have been examined. He, however, does not dispute that Sher Singh was acquitted as the prosecution had failed to prove its case against him.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

July 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No