

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-13782 of 2018 (O&M)
Date of decision : 02.07.2018

Akbar and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Mohammad Arshad, Advocate
for the petitioners.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. Ajay Saini, Advocate, for the complainant.

RAJ SHEKHAR ATTRI, 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.1029 dated 31.10.2017, registered under Sections 148, 149, 323, 379-B, 427, 506 IPC at Police Station Chandni Bagh, District Panipat.

It is a case of the prosecution that on 31.10.2017, complainant Ms. Gulista was present at her house. She noticed that about 10-15 boys, armed with sticks, came and started dismantling the hotel of her uncle. On hearing the noise, she came out and when she intervened, aforesaid boys inflicted sticks blows on her hands and also decamped Rs.20,000/- from the safe of the hotel.

Petitioners Rahimu and Deepanshu were arrested on 31.10.2017 and petitioners Akbar, Salman and Faeem were arrested on 01.11.2017. Since then they are in custody. The material witnesses i.e.

complainant Gulista and her uncle Sadhu have already been examined. No recovery of money has been effected from the petitioners during the investigation. The conclusion of trial will take time. No useful purpose will be served by keeping them in custody.

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. Petitioners are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat, subject to the following terms:-

- (a) *The 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- (b) *In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn.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 the petitioners shall have to apply for bail afresh.*
- (c) *They shall not leave the country without the previous permission of the Court.*

02.07.2018

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**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No