

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37306 of 2018
Date of Decision: 04.09.2018

Hassan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, 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.223 dated 05.04.2018 registered for offences punishable under Sections 395/397 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Sector 55 Faridabad, District Faridabad.

Heard.

Learned State counsel submits that petitioner was nominated in this case on the basis of secret information and recovery of ₹34,000/- of the looted amount was effected from his possession.

Learned counsel for the petitioner submits that petitioner was not named in the FIR and his test identification parade was also not got conducted. There is no evidence with the police so far that petitioner was involved in the incident except recovery of amount of ₹34,000/-. The petitioner was arrested in this case on 24.05.2018. The other co-accused named in the FIR are yet to be arrested.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

September 04, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No