

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc.No.M-37677 of 2018 (O&M)

Date of Decision : 17.11.2018

Vinod

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

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.462 dated 02.08.2016, registered under Sections 201, 302, 392 IPC (Sections 110/412 and 120-B IPC added lateron) at Police Station Samalkha, District Panipat.

It has been submitted that an amount of Rs.20,000/- was recovered from the petitioner and except this there is no evidence available against him. The case is based upon circumstantial evidence.

On the night between 31.07.2016 and 01.08.2016, 471 bags containing Moong Dal were stolen and driver of truck No.HR-38-S-0152 was found murdered. During the course of investigation, the petitioner was arrested and only Rs.20,000/- was recovered from him.

As per prosecution version, the petitioner sold the moong dal to someone and the amount recovered from him was ill-gotten money. There is no evidence with regard to the sale and purchase of Moong Dal. No direct role has been attributed to him with regard to the murder of truck

driver. Co-accused Sanjay, Rajesh and Dinesh have already been granted bail by this Court vide orders dated 27.02.2018, 02.08.2018 and 22.10.2018 in CRM Nos.M-6902, 9851 and 45294 of 2018 respectively.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

17.11.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No