

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

Criminal Misc.No.M-40459 of 2018 (O&M)

Date of Decision : 23.10.2018

Birbal alias Bir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, 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.403 dated 04.05.2017, registered under Sections 392, 397 IPC and Section 25 of the Arms Act, at Police Station Sadar Karnal, District Karnal.

It is a case of the prosecution that the two young boys snatched the motorcyle from the complainant on gun point. The said motorcycle has been recovered from the petitioner.

The petitioner was arrested on 11.07.2017 and since then he is in custody. Although the four witnesses have been examined yet the trial could not be concluded. It will take long time and no useful purpose will be served by keeping the petitioner in custody any further.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

23.10.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No