

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

Criminal Misc.No.M-41348 of 2018 (O&M)

Date of Decision : 05.12.2018

Sunil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Rahul Jaswal, 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.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.

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.

Only an amount of Rs.1,50,000/- has been recovered from the petitioner. The material witness i.e. complainant Ramesh Chander has already been examined and he has turned hostile. The petitioner is in custody since 28.08.2016. Co-accused Sanjay, Rajesh, Dinesh and Vinod have already been granted bail by this Court vide orders dated 27.02.2018, 02.08.2018, 22.10.2018 and 17.11.2018 in CRM Nos.6902, 9851, 45294 and 37677 of 2018 respectively. The trial of the case will take long time.

No useful purpose will be served by keeping the petitioner 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. Petitioner Sunil 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.
- (d) He will maintain peace and be of good behaviour.

05.12.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No