

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41681 of 2018
Date of Decision: 27.09.2018

Mandeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Raman Chawla, 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.11 dated 20.01.2018 registered for offences punishable under Sections 379-B and 323 of Indian Penal Code (for short, "IPC") at Police Station Loharu, District Bhiwani.

Heard.

Present FIR was registered on the complaint of Deepak son of Kishan Kumar, wherein he has levelled allegations that on 19.01.2018, he was returning to his house on motorcycle bearing no. HR-18C-7896. When he reached in middle of villages Gignau and Dhani Toda, three boys stopped his motorcycle. One of the boys cut his finger, the other boy twisted his thumb and the third boy snatched his motorcycle on knife point.

The petitioner was arrested in this case on 09.03.2018 and after completion of investigation challan was presented against him and his accused.

Learned counsel for the petitioner submits that statement of complainant has been recorded by the trial Court, wherein he has not supported the case of prosecution and was declared hostile. Besides the statement of complainant, there is no eye-witness to connect the petitioner with the offence in question.

Learned State counsel submits that the snatched motorcycle was recovered from possession of the petitioner and there is one more FIR of similar nature registered against him.

Keeping in view the fact that complainant has not supported the case of prosecution; petitioner is in custody for the last more than six months; and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Mandeep 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 27, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No