

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

CRM-M-45294-2018

Date of decision: October 22, 2018

Dinesh

.....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 petitioner-Dinesh, in case FIR No.462 dated 02.08.2016 registered for the offences punishable under Sections 201, 302, 392 of the Indian Penal Code, 1860 (for short 'IPC') (offences under Sections 110/412 and 120-B IPC added later on) at Police Station Samalkha, District Panipat.

Heard.

This case is based upon the circumstantial evidence. On the night between 31st July, 2016 and 1st August, 2016, 471 bags containing Moong Dal was stolen and driver of truck No.HR-38-S-0152 was found murdered.

During the course of investigation, the petitioner was arrested. One car and Rs.50,000/- cash were recovered. It was the version of the police that he sold the Moong Dal to someone and the amount recovered from him was ill-gotten money. There is no evidence with regard to sale and purchase of Moong Dal. No direct role has been attributed to the petitioner

and it is asserted that his role is similar to that of co-accused Sanjay and Rajesh, who have already been granted bail. Petitioner is in custody since 21st August, 2016.

Without expressing any opinion on merits of the case and keeping in view the principle of parity and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

October 22, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No