

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

**Crl. Misc. No.M-46598 of 2017 (O&M)
Date of Decision: May 15, 2018**

Shera @ Sakir

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Rosi, Advocate for
Mr. G.N. Malik, Advocate
for the petitioner (s).

Mr. Amrik Narwal, D.A.G. 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. 413 dated 27.08.2011 registered for the offences punishable under Sections 407, 420, 467, 468 and 471 of Indian Penal Code, at Police Station Sector 55, Faridabad.

Heard.

Instant FIR was registered against the petitioner with the allegation that on 21.08.2011, 303 cartons of medicines were loaded in the truck of petitioner bearing registration No.HR-58-6841 for delivery at Jalandhar. This consignment was not delivered and was misappropriated by the petitioner.

Initially, the petitioner was declared proclaimed offender in this case and was arrested on 19.07.2017, when he was in custody of Delhi

Police. The medicines were recovered from the house of petitioner in village Basikala (UP).

Learned State counsel submits that challan in this case has been presented, charge has been framed against the petitioner but no witness has been examined so far.

The petitioner is in custody since 19.07.2017. The offences are triable by Magistrate. Conclusion of trial will take considerably long time.

In view of the above facts and keeping in view period of incarceration of the petitioner but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Shera @ Sakir is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

May 15, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No