

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

Criminal Misc.No.M-55999 of 2018 (O&M)

Date of Decision : 21.12.2018

Ajay alias Ravi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Pritpal Singh Miglani, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, 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 in case FIR No.16 dated 06.01.2018 registered for the offences punishable under Sections 395, 397 of Indian Penal Code, 1860 (for short, "IPC") (Section 25 of Arms Act, 1959 added later on) at Police Station Yamuna Nagar City, District Yamuna Nagar.

The prosecution story, in brief, that on the intervening night between 05/06.01.2019, non-dacoitors committed dacoity at about 03:30 am (after midnight). All the desperadoes were having muffled faces and their age was between 20-22 years. They entered in the house of the complainant by removing the grill of kitchen. They took away three mobiles i.e. Samsung having card of BSNL No.9416158402, Nokia having No.9416281924 and one Nokia mobile without Subscriber Identity Module (SIM). Apart from it, they have removed the gold bangles and rings from the ladies of the house.

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It has been submitted that only gold ring and knife has been recovered from the petitioner and co-accused has already been granted bail by this court vide order dated 04.12.2018, passed in CRM M-50777-2018.

The petitioner is in custody since 30.06.2018. Challan has been presented and it will take some time to conclude the trial.

Without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, 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/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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

21.12.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No