

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25309 of 2019
Date of Decision: 04.07.2019

Amit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Kashyap, 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.388 dated 20.08.2018 registered for offences punishable under Sections 380, 457 and 511 of Indian Penal Code (for short, "IPC") at Police Station Urban Estate, Rohtak, District Rohtak.

Heard.

FIR in this case was registered on the statement of Pardeep son of Pawan Kumar, who reported that on the intervening night of 19/20.08.2018, an attempt was made by some unknown persons to commit theft of ATM installed in Sector 1 Market of Urban Estate, Rohtak.

Learned counsel for the petitioner submits that neither the petitioner is named in the FIR nor any recovery was effected from his possession. The entire case of prosecution is based on disclosure statement of co-accused, namely, Prince, recorded by the police in some other case.

Learned State counsel submits that the petitioner was arrested

on 21.01.2019. He is involved in four other such cases. Though, no recovery was effected from him yet he has been named by his co-accused in other case, in which he had committed similar offence in connivance with his co-accused. Challan in this case has been presented in Court and the trial is in progress.

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-Amit 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 04, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No