

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-27548 of 2019 in/and
CRM-M-26356 of 2019
Date of Decision: 13.09.2019**

Deepak Kumar @ Bhandari and others

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Kuldeep Khandelwal, Advocate
for the petitioners.

Mr. Munish Sharma, AAG Haryana.

SURINDER GUPTA, J.(Oral)

CRM-27548-2019

Application is allowed and copies of statements of PW-1 Hawa Singh (complainant) and PW-2 Krishan Kumar (eye-witness) are taken on record as Annexures P-3 and P-4, subject to all just exceptions.

CRM-M-26356-2019

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 102 dated 25.03.2019 registered for the offence punishable under Section 392 of Indian Penal Code (for short, "IPC") at Police Station Bhuna, District Fatehabad. (Offence punishable under Section 379-A IPC was deleted later on).

Heard.

Instant FIR was registered on the statement of complainant-
Hawa Singh that on 24.03.2019, he was coming from Fatehabad to Bhuna in

a seven seater Bolero vehicle. Four other persons were present in that

vehicle. They made the complainant alight from the vehicle near *Balmiki* temple on Bhuna-Fatehabad road and looted ₹80,000/- from him. During trial, complainant and other eye-witness, namely, Krishan Kumar have turned hostile and have not supported the case of prosecution.

Learned State counsel on instructions from SI Satyanarayan submits that complainant and eye-witness have not supported the case of prosecution and they are the only material witnesses cited in this case.

Without expressing any opinion on merits of the case and keeping in view the above facts and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Deepak Kumar @ Bhandari, Tek Chand @ Fatiya, Mahabir Meena and Jaswinder Singh @ Shilo are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

September 13, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No