

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-26999 of 2019
Date of Decision: 12.07.2019**

Manish Kumar

....Petitioner

VERSUS

State of U.T. Chandigarh

....Respondent

2. CRM-M-27002 of 2019

Prem Kumar

....Petitioner

VERSUS

State of U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dilraj Singh Bhinder, Advocate
for the petitioners in both the petitions. .

Mr. Gautam Dutt, Addl. P.P., UT Chandigarh.

SURINDER GUPTA, J.(Oral)

Above-captioned petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.388 dated 31.10.2018 registered for offences punishable under Sections 419, 420, 468, 34, 120-B, 471, 170, 384 and 411 of Indian Penal Code (for short, "IPC") at Police Station Sector 36, Chandigarh.

Heard.

As per case of prosecution, two persons entered house of the complainant on 31.10.2018 posing as income tax officers and searched his house. They took away a bag of complainant containing ₹8 lakhs, 1 gold necklace, 4 gold rings and some documents and asked the complainant to come to Income Tax office situated at backside of ISBT, Sector 43,

Chandigarh. Allegations against the petitioners are that they were standing

outside house of the complainant, when his house was searched. On their arrest recovery of ₹1 lakh each out of the looted amount has been effected from them.

Learned counsel for the petitioners submits that in the statement of complainant, petitioners have not been identified. They were arrested on 06.11.2018 and conclusion of trial will take considerably long time, as such, they be allowed regular bail.

Learned Addl. P.P., UT Chandigarh has fairly conceded that petitioners have not been identified by the complainant in his statement before the trial Court.

Without expressing any opinion on merits of the case and keeping in view the fact that after presentation of challan conclusion of trial will take considerably long time, the present petitions are allowed. Petitioners, Manish Kumar in CRM-M-26999-2019 and Prem Kumar in CRM-M-27002-2019 are 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 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 the 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 the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

July 12, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No