

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27964 of 2019
Date of Decision: 24.07.2019

Aman

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Dr. Deipa Singh, Advocate
for the petitioner.

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.42 dated 14.03.2018 registered for the offence punishable under Section 409 of Indian Penal Code (for short, "IPC") at Police Station Loharu, District Bhiwani.

Heard.

Notice of motion.

On asking of the court, Mr. Munish Sharma, AAG Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him. He submits that petitioner was investigating officer in five cases registered at Police Station Loharu. In those cases he gave cancellation/untrace report but files of those cases could not be traced. He had also not recorded any *rapat* as to under what circumstances cancellation reports were recorded. Files of those cases are still untraceable.

The petitioner was arrested in this case on 06.12.2018. After completion of investigation, challan against him has been presented in Court and trial is in progress. It has been submitted that two out of 12 witnesses have been examined by now.

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-Aman 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 24, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No