

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35989 of 2019
Date of Decision: 04.09.2019

Mukesh Kumar @ Tony

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Partap Singh Pathania, 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.12 dated 23.03.2019 registered for offences punishable under Sections 379-B read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Nangal Bhoor, District Pathankot.

Heard.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G. Punjab, 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.

As per case of prosecution, three young boys came on one Pulsar motorcycle at Petrol Pump of complainant and purchased petrol of ₹100/-. Thereafter, they caught hold of Harbans Singh present there and took out ₹4000/- from his pocket and had also taken away ₹76000/- from the almirah lying in the office.

Learned State counsel on instructions from ASI Parvesh Kumar submits that petitioner was arrested in case bearing FIR No. 47 dated 24.03.2019, registered for offences punishable under Sections 397, 392 IPC and 27 of the Arms Act, at Police Station Rajbagh, Jammu Kashmir. During investigation, he confessed the present occurrence and was arrested in this case on 05.07.2019. After completion of investigation, challan against him has been presented in Court on 20.07.2019.

As per statement of learned State counsel, the petitioner was arrested in this case on the basis of his own statement and his identity and involvement in this case is a subject matter to be proved by the prosecution during course of trial.

In view of above but 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-Mukesh Kumar @ Tony 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.

September 04, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No