IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37244 of 2019
Date of Decision: 10.09.2019

Rajesh Kumar Shukla ....Petitioner

VERSUS

State of Union Territory Chandigarh ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dinesh Kumar Chaudhary, Advocate
for the petitioner.

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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.31 dated 08.03.2019 registered for offences punishable under Sections 397 and 411 of Indian Penal Code (for short, "IPC") at Police Station Manimajra, Chandigarh.

Heard.

Notice of motion.

On asking of the Court, Mr. Gautam Dutt, Addl. P.P., UT Chandigarh, 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, the petitioner with covered face went to shop of complainant and asked for a ring, earring of gold, 02 silver *payjeb* alongwith two silver rings. When complainant asked for the payment, he took his phone pretending to talk to his wife. He also tried to divert the attention of complainant, picked up the pouch in which above

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articles had been kept and tried to run away but was caught at which he took out a knife from his bag and attacked the complainant. He ran away from the shop but was apprehended in the market by public and given beatings.

Learned State counsel submits that the petitioner was apprehended at the spot. After completion of investigation challan has been presented against him in Court on 02.05.2019 and the case is now fixed for recording of prosecution evidence. However, till date no witness has been examined so far.

Without expressing any opinion on merits of the case and keeping in view the fact that police has presented the challan and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rajesh Kumar Shukla 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 10, 2019 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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