

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43258 of 2019
Date of Decision: 18.10.2019

Manish

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Keshav Pratap 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.324 dated 13.05.2018 registered for offences punishable under Sections 379 and 420 of Indian Penal Code (for short, "IPC") at Police Station Camp Palwal, District Palwal.

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.

As per case of prosecution, complainant used his ATM card of Axis Bank at Palwal for withdrawing money but the machine did not work. At that time many persons were present there including the guard, who was in civil dress. The petitioner left ATM (ID-SPCC42915). After sometime he received a message that ₹40000/- have been debited from his salary

account. He made enquiry from the bank and informed the police of the foul play.

Learned counsel for the petitioner submits that petitioner was arrested on the basis of secret information against him and his co-accused, namely, Nasim. Both were arrested on 21.08.2019. Nasim has been allowed regular bail by the trial Court vide order dated 16.10.2019.

Learned State counsel on instructions from ASI Mohd. Juber concedes that co-accused, Nasim, with similar allegations has been allowed regular bail by the trial Court on 16.10.2019.

Without expressing any opinion on merits of the case; applying the principle of parity and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Manish 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 18, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No