

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44977 of 2019 (O&M)

Date of Decision: 29.10.2019

Happy Tadha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Suvir Kumar, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

CRM-32520-2019

Application is allowed and documents as mentioned in the application are taken on record as Annexures P-1 and P-2, subject to all just exceptions.

CRM-M-44977-2019

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.112 dated 29.08.2019 registered for offences punishable under Sections 399 and 402 of Indian Penal Code (for short, "IPC") at Police Station Mukerian, District Hoshiarpur.

Heard.

As per allegations in the FIR, petitioner alongwith four persons, namely, Amandeep, Harpreet, and Jasvir (non-applicants) was arrested at Hotel Dolphin, when a constable who was sent to hear their conversation heard that they were planning to proceed to commit robbery on the way to Dalhousie on arrival of Bheema @ Akash Pruthi (co-accused) at the gate.

The petitioner was arrested on 29.08.2019.

Learned State counsel on instructions from SI Harminder Singh submits that no recovery has been effected from the petitioner and challan against him has been presented in Court.

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-Happy Tadha 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 29, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No