

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M No. 17177 of 2020

Date of Decision: 9.9.2020

Ikram

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Hemant Bassi, Advocate
for the petitioner**

Mr. Kuldeep Tewari, Addl. A.G., Haryana

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 15 dated 25.1.2020 registered in Police Station, Manesar, District Gurugram for offence punishable under Sections 342, 365, 395, 397, 506 of the Indian Penal Code, 1860 (in short "IPC") and Section 25 of the Arms Act (offence under Section 412 IPC added later), pending trial.

Counsel for the petitioner would argue that neither in the statement of complainant recorded in the form of first version nor in the report submitted under Section 173 Cr.P.C., there is any reference as to what articles were loaded in the truck bearing No. RJ-09-GB-5534 or found to be looted by the co-accused/non-applicants. It is further argued that petitioner has been indicted in the crime under Section 412 IPC on the basis of alleged confessional statements made by co-accused Asif and the petitioner during police custody. It is further argued that there is no other criminal case registered against the petitioner, who is ready to face trial without any default.

Counsel representing State of Haryana, in response to a query, is not in a position to say that any supplementary statement of the complainant was recorded with regard to loot of articles lying in the truck or there is reference to the same in the report submitted under Section 173 Cr.P.C.. However, he has opposed the application for bail with the submission that offence under Section 412 IPC is serious in nature, therefore, the petitioner does not deserve to be enlarged on bail.

The petitioner is in custody since February 2020. The alleged recovery has already been effected. There is no allegation that petitioner does not have a permanent place of stay or likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial court/ Additional Sessions Judge (on duty), Gurugram. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.
- (iii) In the event of petitioner becoming absent during trial, the order of bail shall be deemed to be withdrawn. The trial court would be entitled to forfeit the bail bonds and proceed against the petitioner, in accordance with law.

Disposed of.

(Rekha Mittal)
Judge

9.9.2020

PARAMJIT	Whether speaking/reasoned	: Yes
	Whether reportable	: Yes/No