

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24981-2015

Date of decision: 27.08.2015

Daljinder Singh @ Kaka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. G.S. Sirphikhi, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.02 dated 06.01.2013 under Sections 307, 399, 402, 395, 419, 420, 467, 468, 471, 463, 465, 411 IPC, Sections 25, 54, 59 of Arms Act and Section 177 of Motor Vehicle Act, registered at Police Station Ghuman, Tehsil Batala, District Gurdaspur.

Learned counsel for the petitioner submits that although present one is 5th petition under Section 439 Cr.P.C., yet the last order dated 21.05.2015 passed by this Court in CRM-M-10858-2015 filed by the present petition would not be treated against the present petition for the reason that learned counsel for the State was not properly instructed by the concerned police officer who came to assist him on that day. He refers to different recovery memos to point out that since recoveries were effected from Satnam Singh, Harjinder Singh @ Jinda and Raghbir Singh, case of the

present petitioner was similarly situated. Thus, he prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Parshu Ram, Police Station Ghuman, Tehsil Batala, District Gurdaspur, submits that it is correct that recoveries were effected from Harjinder Singh @ Jinda, Raghbir Singh as well as from Satnam Singh, who were the co-accused of the petitioner and have been granted the concession of bail pending trial by this Court. He further submits that it seems that because of some inadvertence and communication gap, the abovesaid statement was made by him before this Court on 21.05.2015, because of which earlier CRM-M-10858-2015 filed by the present petitioner was dismissed as withdrawn.

In view of the above and without entering into further controversy in this regard, lest it should cause some prejudice to the interest of any of the parties, this Court is of the considered opinion that since the petitioner has been found similarly placed with his co-accused namely Satnam Singh, Raghbir Singh and Harjinder Singh @ Jinda, he is also entitled for bail pending trial.

In view of the above, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

27.08.2015
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