

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

CRM-M-26811-2015

Date of decision: 02.09.2015

Sushil Kumar @ Tota

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.175 dated 25.10.2014 under Sections 302/34 IPC, registered at Police Station Canal Colony, District Bathinda.

Learned counsel for the petitioner places reliance on an order dated 06.08.2015 (Annexure P-2) passed by this Court in CRM-M-20704-2015 (Kala @ Vinod Kumar Vs. State of Punjab), whereby co-accused of the petitioner was granted the concession of bail by this Court. He submits that present petitioner is identically placed and he is also entitled for the concession of bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that although it is a matter of record that petitioner is similarly placed with his abovesaid co-accused Kala @ Vinod Kumar, he is not entitled for the concession of bail for the reason that allegations against the petitioner were direct and serious. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, particularly order dated 06.08.2015 passed by this Court in CRM-M-20704-2015, petitioner has been found entitled for bail pending trial. It is so said because despite making her best efforts, learned counsel for the State could not distinguish the case of the petitioner from the case of his co-accused namely Kala @ Vinod Kumar who has already been granted the concession of bail, vide order dated 06.08.2015.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, 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

02.09.2015
vishnu