

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

CRM-M-39093-2015

Date of decision: 14.12.2015

Harwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.28 dated 07.05.2015 under Sections 382, 379-B (added later on) of the Indian Penal Code ('IPC' for short), registered at Police Station Sri Hargobindpur, District Gurdaspur.

Learned counsel for the petitioner refers to an order dated 12.08.2015 passed by learned Additional Sessions Judge, Gurdaspur, whereby Dilpreet Singh @ Sanju, co-accused of the present petitioner was granted the concession of bail qua offence under Section 382 IPC and later on anticipatory bail qua an offence under Section 379-B IPC. He submits that present petitioner is identically placed and he is also entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Bikramjeet Singh, Police Station Sri Hargobindpur, Gurdaspur, submits that case of the present petitioner is distinguishable from his

abovesaid co-accused and he is not entitled for bail pending trial. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the fact situation of the present case, petitioner has been found entitled for bail pending trial. Learned counsel for the State, despite making his best efforts, could not distinguish the case of present petitioner from that of his abovesaid co-accused namely Dilpreet Singh @ Sanju who is admittedly on bail. Further, since the prosecution evidence is yet to start, conclusion of trial will take time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, 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

14.12.2015
vishnu