

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

CRM-M-40028-2015

Date of decision: 07.12.2015

Varinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.40 dated 16.09.2015 under Sections 307, 458, 323, 34, 120-B IPC, registered at Police Station SBS Nagar, District Ludhiana.

Learned counsel for the petitioner places reliance on two orders dated 01.12.2015 passed by this Court in CRM-M-36982-2015 (Ravjot Singh Vs. State of Punjab) and CRM-37942-2015 (Joann Naaz Mehra @ Zuyaina Mehra Vs. State of Punjab), whereby two co-accused of the petitioner were granted the concession of anticipatory bail. He also places reliance on another order dated 20.11.2015 passed by this Court in CRM-M-38146-2015 (Davinder Singh Vs. State of Punjab), whereby 3rd co-accused of the petitioner was granted the concession of bail pending trial. He submits that case of the present petition 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, on instructions from SI Manjeet Singh, Police Station SBS Nagar, Ludhiana, submits that case of the present petitioner is distinguishable from his abovesaid co-accused and he is not entitled for bail. He seeks dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because it is a matter of record that two co-accused of the petitioner were granted the concession of pre-arrest bail by this Court vide abovesaid orders dated 01.12.2015. 3rd co-accused of the present petition was also granted the concession of bail pending trial vide abovesaid order dated 20.11.2015. Further since even the challan has not been presented before the learned trial Court, conclusion of trial will take some time.

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 Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

07.12.2015
vishnu