

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

CRM-M-41490-2015 (O&M)

Date of decision: 14.12.2015

Paramjit Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Nakul Sharma, Advocate
for the petitioners.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek bail pending trial in FIR No.16 dated 01.03.2014 under Sections 302, 120-B, 34 IPC, registered at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioners, after arguing the case for some time, seeks permission of the Court to withdraw the present petition qua petitioner No.1 namely Paramjit Singh.

Permission is granted.

Dismissed as withdrawn qua petitioner No.1-Paramjit Singh, at this stage.

Learned counsel for the petitioner-Desa Singh submits that his co-accused namely Ramesh Singh @ Haresh Singh has already been granted the concession of bail by this Court vide order dated 10.09.2015 (Annexure P-3) passed in CRM-M-29716-2015 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 ASI Pawan Kumar, Police Station Mamdot, Ferozepur, submits that petitioner Desa Singh is not indentially placed with his abovesaid co-accused Ramesh Singh @ Haresh Singh 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 peculiar facts and circumstances of the case, petitioner has also been found entitled for bail pending trial, as he is similarly situated with his abovesaid co-accused namely Ramesh Singh @ Haresh Singh who was granted the concession of bail vide order (Annexure P-3). 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 Ramesh Singh @ Haresh Singh and rightly so, it being a matter of record. Further, since the prosecution evidence is still going on, 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 case of either side at a later point of time, instant petition is allowed only qua petitioner No.2 Desa Singh son of Kala Singh. He 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
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