

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-15441 of 2016 (O&M)

Date of Decision: 27.05.2016

Balwinder @ Binder @ Rahul Malhan

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Navkesh Singh, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.71 dated 13.4.2014 under sections 307, 364, 382, 148, 149, 120-B I.P.C registered at Police Station, Sahnewal, District Ludhiana.

Learned counsel for the parties have been heard.

Briefly, it may be noticed that F.I.R came to be registered at the instance of Rakesh Kumar working as a Head Constable in the Police Department. Occurrence is stated to be of 12.4.2014. Allegations against the present petitioner, Amarjit Singh @ Manna, Munna Kumar @ Guddu and Gagan Deep Singh @ Preet, co-accused are identical i.e. of having stabbed the complainant with sharp edged weapons.

M.L.R of the complainant and placed on record has been adverted to and which would reflect 17 stab injuries.

It has gone uncontroverted that the Additional Sessions Judge, Ludhiana has granted bail to co-accused Amarjit Singh @ Manna and Gagan Deep Singh @ Preet and against whom there were identical allegations.

The order dated 2.3.2016 passed by the same very Judicial Officer declining benefit of bail to the present petitioner does not bring out any distinguishing feature/reason.

The petitioner has faced incarceration since 21.4.2014.

Without making any observations on merits and on the ground of parity itself, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Ludhiana.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.05.2016
lucky