

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

CRM-M-7607-2016 (O&M)

Date of decision : 04.04.2016

Sarabjit Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G, Punjab
assisted with ASI Gurvail Singh.

Mr. Vikas Gupta, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) seeking regular bail in case FIR No.43 dated 15.03.2013, registered under Sections 302/307/148/149 of the Indian Penal Code (for short, 'the IPC') read with Sections 25/27/54/59 of Arms Act, at Police Station

Bhikhiwind, District Tarn Taran.

It is contended that no injury has been attributed to the petitioner and only a lalkara is attributed to him. The learned counsel states that co-accused, Harnarain Singh, who has been attributed the gun shot injury to the deceased, Dharampal Singh, has been admitted to bail. She refers to Annexure P-2, the order passed by this Court, wherein, co-accused, Hira Singh, who is similarly situated, has also been granted bail.

On the other hand, the learned State counsel vehemently opposes the bail petition on the ground that the petitioner was declared proclaimed offender. However, he admits the factum that the petitioner himself surrendered and is at par with co-accused, Hira Singh.

I have heard the learned counsel for the parties and carefully gone through the record.

Keeping in view the fact that no injury is attributed to the petitioner and co-accused, Hira Singh, who has been similarly placed and Harnarain Singh, who have been attributed an active role in FIR, have already been admitted to bail, this Court feels that the present appeal deserves to be allowed.

Accordingly, without advertent to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.04.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**