

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-14066 of 2017 (O&M)
Date of decision : July 04, 2017

Komal Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.RVS Chugh, Advocate, for the petitioner
Mr. H.S.Grewal, Addl. AG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Komal Singh in this regular bail application under section 439 Cr.P.C. are that after retiring from Border Security Forces as Assistant Commandant had been instrumental in facilitating smuggling across the border.

The contentions of the counsel for the petitioner are that the similarly placed co-accused have been allowed same very relief vide orders dated 5.4.2017 and 8.5.2017 and has laid stress that there is no semblance of evidence to connect the petitioner with the crime.

Learned State counsel has fairly conceded at the bar that it is solitary statement of the accused before the Investigating Officer which is the only piece of evidence that has come on the record till date. Keeping in view the legality, validity and sanctity of such a piece of evidence depends upon judicial determination and in view of principle of parity and the fact that the trial is not likely to be concluded in near future, without adverting

to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Amritsar.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

July 04, 2017

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No