

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21926 of 2017
Date of Decision: 21.6.2017

Mohd. Subhan

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amjad Khan, Advocate
for the petitioner (s).

Mr. Anil Sharma, Addl. AG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.34 dated 6.4.2017 registered for the offences punishable under Sections 341, 323, 379-B, 427/34 of Indian Penal Code at Police Station City-II, Malerkotla, District Sangrur.

Heard.

Learned counsel for petitioner submits that the petitioner surrendered before the Court on 1.5.2017. Co-accused namely Jahid is already on bail in this case. The role attributed to the petitioner is that he was driving the motor cycle on which Riyasat Ali and Jahid Turri Wala were the pillion riders and snatched the gold chain of the complainant after giving him beatings.

Learned State counsel has filed custody certificate dated 21.6.2017 in Court today which is taken on record. He opposed the bail application with the submission that the petitioner is accused in two other

similar cases bearing FIR No.9 dated 22.2.2016 registered at PS City-2, Malerkotla and FIR No.5 of 2017 registered at PS City-I, Malerkotla.

Keeping in view the fact that co-accused with similar allegations has already been released on regular bail, applying the principle of parity but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Mohd. Subhan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

June 21, 2017

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No