

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-2234 of 2017

Date of Decision : 30.01.2017

Lakhwinder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Antal, Advocate
for the petitioner.

Surinder Gupta, J.

Present petition has been filed by the petitioner under Section 439 of Code of Criminal Procedure seeking regular bail in case bearing FIR No. 33 dated 18.02.2016 for offences punishable under Sections 148, 149, 323 and 506 of Indian Penal Code (for short 'IPC'), registered at Police Station Chandimandir, District Panchkula. The offence punishable under Section 302 read with Section 120-B IPC was added later on.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for the petitioner has argued that co-accused, namely, Mohit has been allowed regular bail vide order dated 06.12.2016 passed in CRM-M-31481 of 2016. The petitioner is in custody since 21.02.2016. Statements of complainant and his father have already been recorded, as such, applying the principle of parity, the petitioner may also

be allowed the benefit of regular bail.

Submissions of learned counsel for the petitioner have no merit as the benefit of bail was allowed to co-accused Mohit because father of the deceased had turned hostile and had not identified him, while PW-2 Virender and PW-3 Kulwant Singh (father of the deceased) have named, identified and attributed specific role to the petitioner in the occurrence. Trial of the case is in progress and release of the petitioner at this stage will provide him opportunity to prevail upon the prosecution witnesses.

This petition has no merit and the same is dismissed.

January 30, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No