

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23691 of 2017
Date of Decision: 12.07.2017

Vinod and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Rai, Senior Advocate
with Mr. Karan Pathak, Advocate
for the petitioners.

Mr. Ashish Chopra, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 347 dated 06.06.2017 registered for offences punishable under Sections 307, 323, 506, 332, 353, 186, 427, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Badshahpur, District Gurugram.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana, Punjab, 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 him.

Role of the petitioner in this case is similar to role of Ankit, who has been allowed regular bail by the Court of Session vide order dated

30.06.2017.

Learned counsel for petitioners submits that no different role or act has been attributed to petitioners, who were arrested on 06.06.2017 than the role or act attributed to Ankit. He seeks bail for petitioners on the ground of parity.

Learned State counsel submits that after arrest of petitioners in this case recovery of *dandas* has been made from them. Similar recovery was effected from possession of Ankit.

Keeping in view above facts and applying the principle of parity but without expressing any opinion on merits of the case and taking into account the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Vinod and Satbir are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn.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

July 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No