

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23864 of 2017
Date of Decision: 19.07.2017

Narinder Pal Singh and anotherPetitioners

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Jaidka, Advocate
for the petitioners.

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.24 dated 21.03.2017 registered for the offence punishable under Section 379-B read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act at Police Station Division no. 8 Ludhiana, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, DAG, 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.

The present FIR was registered on the statement of complainant-Sanjiv Khanna, resident of Barewal Road, Ludhiana, whose car bearing registration no. CH01-AB-2525 was snatched by certain persons.

The police apprehended Yadwinder Singh and recovered that car from his possession. In his disclosure statement, Yadwinder Singh had named

petitioner and Satnam Singh @ Parotha. The role attributed to petitioners by Yadwinder Singh is that they were having gun and *datar* with them at the time of occurrence.

Learned counsel for the petitioner submits that co-accused-Satnam Singh @ Parotha, who was also named by Yadwinder Singh as one of his accomplice, has been released on regular bail vide order dated 01.06.2017 passed in CRM-M-18754-2017 and he seeks bail for the petitioner on the ground of parity with co-accused-Satnam Singh @ Parotha.

The petitioner was arrested on 06.05.2017 and is in custody since then.

Applying the principle of parity but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Narinder Pal Singh @ Fauji and Karanbir Singh @ Shah are 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) 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 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No