

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-24730 of 2017
Date of Decision: 21.07.2017

Vishal

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasmandeep, Advocate
for the petitioner.

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.19 dated 11.02.2017 registered for offences punishable under Sections 307, 148 read with Section 149 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act at Police Station Makhu, District Ferozepur.

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.

Learned counsel for the petitioner submits that co-accused, namely, Amandeep Singh @ Sonu with similar allegations has been allowed bail vide order dated 30.05.2017 passed in CRM-M-19026 of 2017. Seeking parity with co-accused-Amandeep Singh @ Sonu, he seeks bail for the petitioner as well.

As per allegations in the FIR, the police party on the basis of secret information conducted a raid and arrested the petitioner alongwith his co-accused. No weapon was recovered from possession of the petitioner.

The allegations against the petitioner are similar to allegations levelled in the FIR against co-accused-Amandeep Singh @ Sonu.

Applying the principle of parity with co-accused-Amandeep Singh @ Sonu 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. Petitioner-Vishal 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No