

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31225 of 2017
Date of Decision: 12.09.2017

Harwinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagmeet Singh Moudgill, 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.81 dated 01.06.2017 registered for offences punishable under Sections 457, 380 of Indian Penal Code (for short, "IPC") at Police Station Dirba, District Sangrur. (Offence punishable under Section 411 IPC was added later on).

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 FIR was registered for theft in godown of complainant. During investigation, police arrested Jarnail Singh and Rajbir Singh from whom recovery of 236 bags of stolen wheat was effected.

Learned State counsel submits that during investigation, Jarnail

Singh and Rajbir Singh have named petitioner as their associate while committing theft in godown.

It is a case where no recovery was effected from petitioner. Jarnail Singh and Rajbir Singh have already been released on regular bail vide order dated 06.07.2017 passed in CRM-M-22947-2017.

Applying the principle of parity with co-accused, namely, Jarnail Singh and Rajbir Singh, who have already been released on regular bail, 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-Harwinder Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

September 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No