

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-35237 of 2017 (O&M)
Date of Decision:September 27, 2017.**

VinodPETITIONER(s).

VERSUS

State of HaryanaRESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Lalit K.Gupta , Advocate
for the petitioner (s).

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. 351 dated 16.12.2016 registered for the offences punishable under Sections 398, 401 of Indian Penal Code (for short IPC) (Sections 379-B IPC and 25 of Arms Act added later on) at Police Station Sadar Panipat, District Panipat.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal,DAG, 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 him.

Learned counsel for the petitioner submits that co-accused Rohit with similar allegations has been allowed regular bail by this Court vide order dated 13.09.2017 passed in CRM-M-15646-2017. He seeks bail

for the petitioner on the ground of parity.

As per case of prosecution, petitioner along with two other accused were apprehended, when they were trying to stop the vehicles going on road and loot the public. They had stopped the police vehicle by giving signal with a torch. The petitioner was armed with *wooden bitta* and tried to hit ASI Mahavir.

Keeping in view the fact that co-accused Rohit with similar role in the offence has already been allowed regular bail, applying the principle of parity, the present petition is allowed. Petitioner-Vinod 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

September 27, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***