

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

Crl. Misc. No.M-35271 of 2017 (O&M)

Date of Decision: September 27, 2017.

Satvir Singh @ Rana

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Preetwinder Singh Dhaliwal, 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. 70 dated 12.10.2016 registered for the offences punishable under Sections 302, 307, 324, 341 read with Section 34 of Indian Penal Code, at Police Station Bhadaur, District Barnala.

Heard.

Notice of motion.

On asking of the court, Ms. Simranjeet Kaur, AAG, 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 her.

Learned counsel for the petitioner submits that as per statement

of complainant on the basis of which FIR was registered and his supplementary statement recorded by the police, petitioner had not caused any injury to the deceased. With similar set of allegations, co-accused Yadwinder Singh @ Gogi was allowed regular bail vide order dated 24.07.2017 passed in CRM-M-10744 of 2017.

Learned State counsel on perusal of statement and supplementary statement of complainant has endorsed the statement of learned counsel for the petitioner.

In the statement of complainant on the basis of which FIR was registered, petitioner was attributed baseball bat injuries to the complainant. However, in his supplementary statement, complainant has stated that baseball bat was '*kirch*' type with which petitioner has caused injuries to the complainant.

Keeping in view the above facts and applying the principle of parity with Yadinder Singh @ Gogi but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Satvir Singh @ Rana is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*