

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35529 of 2017
Date of Decision: 16.11.2017

Satnam Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab

Mr. A.S. Mann, Advocate
for the complainant.

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.80 dated 27.08.2016 registered for offences punishable under Sections 302/120-B/148/149 of Indian Penal Code (for short, "IPC") at Police Station Baretta, District Mansa. (Offence punishable under Section 323 IPC was added later on).

Heard.

Learned counsel for the petitioner seeks bail for the petitioner on the ground of parity with co-accused, namely, Balwinder Singh @ Buta, who has been allowed regular bail vide order dated 13.10.2017 passed in CRM-M-28282-2017. He further submits that the petitioner was also found innocent in the report, after filing of challan, submitted by the police and out of 30 witnesses cited by the prosecution, none has been examined so far and the petitioner is in custody since 26.10.2016.

Learned State counsel does not dispute submissions of learned counsel for the petitioner that the case of petitioner is on parity with co-accused, namely, Balwinder Singh @ Buta.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

November 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No