

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

CRL. MISC. No.M-35998 OF 2017
DATE OF DECISION : 29th SEPTEMBER, 2017

Varinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Rajiv Malhotra, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioners have filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.156 dated 14.08.2016 registered under Sections 307, 323, 341, 427, 148 & 149 IPC and Section 25/27 of Arms Act at Police Station Dera Bassi, District S.A.S. Nagar (Mohali).

Heard learned counsel for the rival parties.

Learned State counsel has vehemently opposed this petition for grant of bail to the petitioner by submitting that the petitioner was member of unlawful assembly in which ultimately shots were fired by the other accused persons. The co-accused Sonu was released on statutory bail under Section 167(2) Cr.P.C.

That may not be relevant for the disposal of the present petition. Insofar as the present petitioner is concerned the allegation is that with iron rod he has damaged the car of the complainant.

Undoubtedly, they had created ruckus on the spot but then looking to the role attributed to the petitioner namely damage to the car by iron rod, a chance for reformation should be given to him.

In that view of the matter, looking to the allegations against the petitioner and role attributed to him, I am inclined to grant concession of regular bail to the petitioner. However, I think a non-refundable cost be imposed on the petitioner as a pre-condition for grant of regular bail.

In that view of the matter, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-35998 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate, subject to deposit of non-refundable cost of ₹25,000/- with the trial Court as a pre-condition. The cost amount shall be forfeited to the State.
- (iii) The petitioner shall not tamper or influence the prosecution witness(es).
- (iv) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

29th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*