

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37270 of 2017

Date of Decision: 24.10.2017

Gobinda Singh @ Rajveer Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. V.G. Jauhar, Sr. D.A.G. Punjab

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.25 dated 18.03.2017 registered for offences punishable under Sections 379-B, 324 read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Sadar Kotkapura, District Faridkot.

Heard.

Learned counsel for petitioner submits that co-accused namely, Balkaran Khan @ Balkar has already been granted regular bail vide order dated 18.09.2017 passed in CRM-M-26240-2017 and seeks bail for the petitioner on the ground of parity.

Learned State counsel submits that it is not a case of parity as from the petitioner, a *kirpan* was recovered while from Balkar no recovery had been effected.

As per allegations in the FIR, Balkaran Khan @ Balkar was

armed with *kirpan* while the petitioner was armed with a pistol and third unidentified person was armed with a *dang*. Articles allegedly snatched were not recovered from possession of the petitioner.

In view of above, without expressing any opinion on merits of the case but keeping in view the period of incarceration of petitioner, who is in custody since 12.05.2017, and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gobinda Singh @ Rajveer 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 24, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No