

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37563 of 2017
Date of Decision: 23.10.2017

Balkar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Raghav Sharma, Advocate
for the petitioner.

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

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 petitioner submits that co-accused, namely, Rohit and Vinod have been allowed regular bail by this Court vide orders dated 13.09.2017 and 27.09.2017 passed in CRM-M-15646-2017 and CRM-M-35237-2017. He seeks bail for the petitioner on the ground of

parity.

Learned State counsel submits that the petitioner was arrested on 16.12.2016 and is in custody since then. The police after completion of investigation has already presented the challan in Court.

While recovery of wooden *bitta* and torch was effected from other co-accused, the petitioner was found in possession of a country made pistol.

Without expressing any opinion on merits of the case but keeping in view the period of incarceration of petitioner; the fact that co-accused, namely, Rohit and Viond have already been allowed regular bail and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Balkar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 23, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No