

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38931 of 2016
Date of Decision: 01.03.2017

Rajinder Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ram Niwas Kush, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. A.G. Haryana.

Mr. Aditya Sanghi, 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. 293 dated 02.10.2015 registered for offences punishable under Sections 285, 302, 307, 341, 120 of Indian Penal Code (for short 'IPC') and 25 of the Arms Act, at Police Station Adampur, District Hisar, in which petitioner was arrested on 10.10.2015.

Heard.

Learned counsel for the petitioner submits that in the FIR two persons, namely, Anil and Anoop have been named, who entered the shop of complainant and killed Vinod Kumar. Allegation against the petitioner is that he was in the car in which assailants had come. Parveen, who was driving the car has already been released on regular bail vide order dated 30.11.2016 passed by this Court in CRM-M-41370 of 2016.

Learned State counsel and learned counsel for the complainant

while opposing the bail application submit that as per evidence collected by the police, weapon used in the crime was also purchased from maternal uncle of petitioner-Rajinder Singh.

On giving a careful thought to submissions of learned counsel for the petitioner, learned State counsel and learned counsel for the complainant, I find that petitioner is entitled to regular bail on the ground of parity with co-accused Parveen, who under similar circumstances was allowed benefit of regular bail.

As per case of prosecution, co-accused Parveen was driving the car and petitioner-Rajinder Singh was sitting in that car. So far as purchase of weapon from maternal uncle of petitioner is concerned, learned State counsel on enquiry submits on instructions from HC Pardeep that maternal uncle of petitioner-Rajinder Singh is not an accused in this case.

In view of above facts and applying the principle of parity 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-Rajinder 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.

March 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No