

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38770 of 2017
Date of Decision: 06.12.2017

Lovely Kumar @ Monu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, 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.259 dated 19.08.2017 registered for offences punishable under Sections 379-B/34/411 of Indian Penal Code (for short, "IPC") at Police Station Salem Tabri, District Ludiana.

Heard.

As per case of prosecution, petitioner and co-accused, namely, Manpreet Singh were arrested on the basis of secret information that they snatch mobiles phones from labourers by threatening them with toy pistol and then sell these mobiles at meagre rates to other labourers.

Learned counsel for the petitioner submits that co-accused, Manpreet Singh, has been allowed regular bail by the trial Court vide order dated 17.10.2017. Though, some mobile phones were recovered from possession of the petitioner but there is no allegation constituting the offence punishable under Section 379-B IPC against him.

Learned State counsel on instructions from HC Dharmender submits that police after completion of investigation has presented the challan and the case is at the stage of evidence but no PW has been examined. He, however, admits that co-accused, Manpreet Singh, has been allowed bail in this case.

Without expressing any opinion on merits of the case but keeping in view the fact that allegations against the petitioner and co-accused, Manpreet Singh are similar and applying the principle of parity, the present petition is allowed. Petitioner-Lovely Kumar @ Monu 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

December 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No