

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40946 of 2017
Date of Decision: 09.11.2017

Balbir Singh @ Sukhdev Singh @ LottaPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.S. Bhalla, 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.12 dated 21.01.2017 registered for offences punishable under Sections 436, 427, 380, 448, 148 and 149 of Indian Penal Code (for short, "IPC") at Police Station Kot Ise Khan, District Moga.

Heard.

Notice of motion.

On asking of the court, Mr. C.L. Pawar, Sr. D.A.G., Punjab, 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 the petitioner seeks bail for the petitioner on the ground of parity with co-accused, namely, Ghuppal Singh @ Paramjit Singh, who has been allowed regular bail vide order dated 03.11.2017 passed in CRM-M-40492-2017.

Learned State counsel submits that though allegations against

the petitioner are similar to allegations against co-accused, Ghuppal Singh @ Paramjit Singh, who has been allowed regular bail but the police has yet to arrest 15 unidentified persons, who participated in the occurrence.

Above submission of learned State counsel was also considered while allowing bail to Ghuppal Singh @ Paramjit Singh.

Keeping in view the fact that the petitioner was arrested on 09.09.2017 and the matter is still under investigation but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Balbir Singh @ Sukhdev Singh @ Lotta 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 09, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No