

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-41335 of 2017 (O&M)
Date of Decision: November 14, 2017.**

Gurtej Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.B. Raheja, Advocate
for the petitioner (s).

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.152 dated 30.09.2015 registered for the offences punishable under Sections 302, 148 read with Section 149 of Indian Penal Code, at Police Station Makhu, District Ferozepur.

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 Gurtej Singh petitioner on parity with Balkaran Singh. He submits that role attributed to

Balkaran Singh and Gurtej Singh in the FIR and allegations against them are similar.

Learned State counsel does not oppose the submission of learned counsel for the petitioner to this effect that case of Balkaran Singh and Gurtej Singh is on parity.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Gurtej Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

November 14, 2017
Sachin M.

Whether speaking/reasoned: **Yes/No**

Whether Reportable: **Yes/No**