

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44489 of 2016

Date of Decision: 11.01.2017

Rajinder Singh @ Mintu

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Vishal Deep Goyal, Advocate
the petitioner

Ms. Bhavna Gupta, D.A.G., 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. 38 dated 01.04.2013 registered for offences punishable under Sections 302, 307, 392, 353, 186, 109 read with Section 34 IPC and 25 of the Arms Act, at Police Station Sadar, Phagwara, District Kapurthala.

Heard.

Allegations against the petitioner are that he alongwith two other persons fired at the police party resulting in death of ASI Gurdev Singh.

Learned counsel for the petitioner submits that the petitioner was arrested on 27.11.2013 and is in custody since then. Supplementary challan was presented against him on 23.02.2014 and charge was framed. Till date the prosecution has not been able to examine even a single

witness. He further submits that co-accused-Tarvinder Singh @ Tally has been ordered to be released on regular bail vide order dated 30.09.2016 passed in CRM-M-44363 of 2015.

Learned State counsel submits that delay in completion of trial has taken place as the accused are lodged in different jails and one of the accused has escaped from the custody from Nabha Jail.

The petitioner is in custody for the last about more than three years. His case is similar to the case of Tarvinder Singh @ Tally. Applying the principle of parity and without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Rajinder Singh @ Mintu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Karputhala, 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(SURINDER GUPTA)
JUDGE

January 11, 2017
jk

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No