

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46594 of 2016
Date of Decision: 18.01.2017

Vijay

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Antal, 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 petitioner in case FIR No. 33 dated 18.02.2016 for offences punishable under Sections 148, 323 and 506 read with Section 149 of Indian Penal Code (for short 'IPC') at Police Station Chandimandir, District Panchkula. Offence punishable under Section 302 read with Section 120-B IPC was added later on.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, Haryana, 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 her.

Allegation against the petitioner is that he was member of unlawful assembly that caused beatings to deceased-Jarnail Singh. The occurrence took place on 16.02.2016 and Jarnail Singh died because of injuries suffered by him on 18.02.2016. The police has presented the challan

wherein statement of complainant and father of the deceased have been recorded. Co-accused Mohit and Chaman Lal @ Jangu, who are also facing trial for similar allegations, have already been released on bail vide orders dated 06.12.2016 and 16.01.2017 passed in CRM-M-31481 of 2016 and CRM-M-45710 of 2016, respectively.

Learned State counsel submits that allegations against the petitioner are similar to the allegations levelled against co-accused Mohit and Chaman Lal @ Jangu.

Without expressing any opinion on merits of the case but applying the principle of parity, instant petition is allowed. Petitioner-Vijay 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 accused 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 accused shall have to apply for bail afresh.
- c. He shall not leave the country without the previous permission of the Court.

January 18, 2017

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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No