

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-866 of 2017

Date of Decision: 16.02.2017

Ganesh Giri @ Kala

....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 the petitioner in case FIR No.33 dated 18.02.2016 registered for the 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. Neelam Kashyap, DAG, 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 petitioner was not named in the FIR. The other three similarly situated co-accused, namely, Mohit, Chaman Lal and Vijay have already been released on bail vide orders dated 06.12.2016, 16.01.2017 and 18.01.2017 passed by this Court in CRM-M-31481 of 2016, CRM-M-45710 of 2016 and CRM-M-46594 of 2016, respectively.

Applying the principle of parity but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Ganesh Giri @ Kala 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

February 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No