

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

CRM-M-9930 of 2017

Date of Decision: May 30, 2017

Parshant

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-12412 of 2017

Sonu @ Prithvi Pal

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-14957of 2017

Major Surinder Singh Dhariwal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:

Mr. Tapan Kumar Yadav, Advocate
for the petitioner (in CRM-M-9930 of 2017).

Mr. N.S. Shekhawat, Advocate
for the petitioner (in CRM-M-12412 of 2017).

\ Mr. R.S. Budhwar, Advocate
for the petitioner (in CRM-M-14957of 2017)

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

Since regular bail applications of petitioners Parshant
and Sonu @ Prithvi Pal under Section 439 Cr.P.C and anticipatory bail

application of petitioner Major Suirinder Singh Dhaliwal under Section 438 Cr.P.C having arisen out of the same FIR are being taken up together for the sake of brevity.

The allegations of the prosecution are that petitioner Major Surinder Singh Dhariwal working as Manager of CSD Canteen and petitioner Parshant being an employee and petitioner Sonu an outsider have deceptively sell off articles of cosmetic etc in the name of the defence personnel beyond the permissible limit.

The contentions of the learned counsel for the petitioners Parshant and Sonu @ Prithvi Pal that they are in custody since 16.2.2017 and that similarly placed co-accused Vishnu Kumar has been allowed regular bail vide order dated 17.03.2017 of this Court and that the case of the petitioners Parshant and Sonu @ Prithvi Pal is not distinguishable with that of their co-accused. The allegations qua the petitioner Major Surinder Singh Dhariwal are that his co-accused Vishnu Kumar had made confessional statement that it was in connivance with this petitioner the racket was being carried out and it is duly acceded at bar by the learned State counsel that this is the only semblance of evidence against this petitioner.

Appreciating the submissions, the petitioners Parshant and Sonu @ Prithvi Pal are in custody since 16.02.2017 and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars and in view of the principle of parity, without adverting anything on the merits of the case, the present petitions for grant of regular bail to the petitioners Parshant and Sonu @

Prithvi Pal are allowed. They be admitted to bail to the satisfaction of the trial Court.

The question as to the role of petitioner Major Surinder Singh Dhariwal is subject matter of judicial adjudication and as is duly accepted by the learned State counsel that the only semblance of evidence against this petitioner is statement of his co-accused, acceptability of which is subject matter of trial and that nothing is to be recovered from him and that joining investigations by this petitioner would suffice the purpose. Thus the petition for grant of anticipatory bail to the petitioner Major Surinder Singh Dhariwal stands allowed. In the event of arrest of the petitioner Major Surinder Singh Dhariwal, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

May 30, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No