

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16923 of 2018
DECIDED ON: MAY 03, 2018

RASHPAL SINGH

....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjeev Sharma, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab..

JASPAL SINGH, J.(ORAL)

By virtue of instant petition moved under Section 439 of the Code of Criminal Procedure, petitioner has sought bail in case FIR No.5, dated 10.08.2016, under Sections 17, 18, 20 of Unlawful Activities Prevention Act read with Section 25 of the Arms Act, Police Station State Special Operation Cell, Amritsar.

2. Undisputably, one of the previous petitions moved by the petitioner was dismissed by this Court vide order dated 14.12.2016 and another petition moved under Section 439 Cr.P.C. was got dismissed as withdrawn vide order dated 24.07.2017.

3. Now, instant petition has been moved on the doctrine of parity as the main accused namely Gurpal Singh has already been granted the bail by trial court, Amritsar whereas the other co-accused namely Major Singh, Jaswinder Kaur, Manjot Singh @ Moti Pal and Sandeep Kumar @ Kalu Shah have also

been granted bail by this Court vide order dated 06.04.2018.

4. The only contention raised by learned State counsel is that in addition to the instant case, two other cases are pending against the petitioner but a glance at the custody certificate furnished by learned State counsel in Court today transpires that when FIR No.93, dated 05.05.2017, under Section 420 IPC and 42/52-A of Prison Act, Police Station Gate Haikma, Amritsar was registered, petitioner was already in custody in the instant case. As far as another case bearing FIR No. 86 is concerned, that pertains to the year 2009. In fact, he has not been convicted and sentenced in any case.

5. Since, co-accused of petitioner have already been granted the concession of bail, thus, on the doctrine of parity, petitioner also deserves the same concession.

6. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, instant petition is allowed and petitioner is ordered to be released on bail, during the pendency of trial, subject to the terms and conditions envisaged in order dated 06.04.2018, passed by this Court in CWP No.14175-2017.

MAY 03, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No