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222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34108-2018 (O&M)
Date of decision:04.09.2018.

Mandeep @ Budha ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

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RAJBIR SEHRAWAT, J. (ORAL)

Prayer in the second petition is for grant of bail pending trial in case FIR No. 0034 dated 03.02.2017 under Sections 307, 34 of IPC and Section 25 of Arms Act (Section 120-B of IPC added later on), registered at Police Station Narwana City, District Jind.

Learned counsel for the petitioner submits that although his bail petition was earlier dismissed on merits by this Court vide order dated 17.04.2018, however, after that the co-accused of the petitioner, with similar allegations and having other cases against him, like the present petitioner, have been granted bail by the trial Court itself, vide order dated 18.05.2018. It is further contended that even the main accused Kuldeep alias Pantla has been granted bail by this Court vide order dated 26.07.2018 passed in CRM-M-27979 of 2018. Still further it is contended that even as per allegation in the FIR, no injury has been attributed to the petitioner. Challan in this case has already been filed. The petitioner is in custody since 10.02.2017.

On the other hand, learned State counsel, being instructed by ASI Sarwan Singh, submits that once the bail petition of the petitioner has

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been dismissed on merits, then the present petition cannot be allowed. However, learned State counsel has not disputed the fact that the co-accused of the petitioner has already been granted bail by the trial Court, as well as, by this Court as submitted by learned counsel for the petitioner.

In view of the above, but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Illaqa Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

04.09.2018
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Whether speaking/reasoned Yes / No
Whether reportable Yes / No