

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40460-2018

Date of decision: 21.09.2018

Swaroop Singh @ Roop

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., petitioner-Swaroop Singh @ Roop, has prayed for grant of regular bail in case FIR No. 202 dated 24.11.2017 registered under Section 302, 148 and 149 IPC (Section 201 IPC and Section 3(2-V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Division No. 5, District Police Commissionerate, Jalandhar.

2. According to the prosecution, in the evening of 23.11.2017, 6/7 unknown young persons armed with deadly weapons like swords, datars and baseball bats etc. committed murder of Ashok Kumar by causing injuries with their respective weapons near Babu Jagjiwan Ram Chowk, Jalandhar. Consequently, police registered aforesaid FIR.

During investigation, complicity of accomplice of the petitioner, namely;

Jaspal Singh @ Shera, was found. On his arrest on 26.11.2017, he admitted his guilt and got effected recovery of sword used by him in the commission of crime. He also named petitioner-Swaroop Singh @ Roop as his co-accused in his disclosure statement for participating in the commission of crime and causing injuries.

3. Learned counsel *inter alia* contends that petitioner has falsely been implicated in the instant case. He has been named by his co-accused-Jaspal Singh @ Shera, in his disclosure statement. Co-accused of the petitioner, namely; Happy, Jaspal Singh @ Shera and Ajay Pal Singh @ Nihang, have already been granted regular bail by this Court vide orders dated 08.08.2018 and 10.09.2018 (Annexure P-3, Colly.) in CRM-M- Nos. 24081, 4383 and 37046-2018, respectively. Thus, treating the case of the petitioner on the same parity, he may also be granted the concession of regular bail.

4. On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

5. Considering overall facts and circumstances and treating the case of the petitioner on the same parity as that of his co-accused, the petition is allowed. Consequently, petitioner-Swaroop Singh @ Roop is ordered to be released on bail pending trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

September 21, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No