

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40497 of 2018
Date of Decision: 20.09.2018

Yogesh @ Bhanu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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.109 dated 29.09.2015 registered for offences punishable under Sections 395/397 of Indian Penal Code (for short, "IPC") at Police Station Jathlana, District Yamunanagar.

Heard.

Learned counsel for the petitioner submits that the petitioner was nominated in this case on the disclosure statements of co-accused, namely, Arjun and Vishal. Both the co-accused have been allowed regular bail by the Court of Sessions. The petitioner surrendered in the Court on 10.04.2018 and is in custody since then. Trial is in progress and in view of the fact that other co-accused have been allowed regular bail, petitioner may also be allowed regular bail.

Learned State counsel on instructions from ASI Balvir Singh submits that petitioner is involved in other FIR registered against him for

offences punishable under Sections 427/452/506 IPC. He was a proclaimed offender in this case and has surrendered only on 10.04.2018.

Replying to submission of learned State counsel, learned counsel for the petitioner submits that petitioner is on bail in other case registered against him.

As per case of prosecution, Ravinder Kumar and Bhupender Singh were returning on 29.09.2015 to Radaur on tractor-trolley, when their passage was blocked by white Verna car and four persons with muffled faces came out and gave sword blow in the abdomen of complainant and fired a shot which hit Bhupender Singh. They took away the bag containing ₹47000/- and mobile phone and the purse of complainant containing cash of ₹12,000/-.

Keeping in view the fact that co-accused have already been allowed regular bail in this case and applying the principle of parity, the present petition is allowed. Petitioner-Yogesh @ Bhanu 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.

September 20, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No