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

CRM-M-42611 of 2018

Date of decision: November 16, 2018

Amit Kumar @ Bholla

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. H.S. Dhindsa, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. AG Punjab.

Mr. Vikas Mohan Gupta, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

This is the second petition for grant of regular bail by the present petitioner-Amit Kumar @ Bholla, in FIR No.72 dated 14.07.2013, under Sections 364-A/34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Doraha, Police District Khanna, District Ludhiana (Punjab) (Sections 307, 323, 324, 171, 148, 149, 120-B, 506, 420, 467, 468, 471, 201 IPC, Sections 25, 54, 59 of Arms Act, 1959 (for short 'Act'), Section 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') and Section 66-A of the Information Technology Act, 2000, added later on).

2. Heard learned counsel for the rival parties.

3. Learned State counsel as well as the learned counsel for the complainant vehemently opposed the plea for regular bail to the petitioner.

4. Learned counsel for the petitioner has pointed out order dated 13.09.2018 passed in CRM-M-30301 of 2018, in the case of Deepali Bassi versus State of Punjab and submitted that the case of the petitioner is better than the said person Deepali Bassi inasmuch as Deepali Bassi was got recovered with mobile phone allegedly used in the crime. However, perusal of the said order shows that Deepali Bassi was granted interim bail and according to the learned counsel for the petitioner, the said order of interim bail is continued as on date.

5. I have also gone through the examination-in-chief of the witnesses, which has been shown to me to find out the nature of evidence against the present petitioner-Amit Kumar @ Bholla. It would not be fair to make any assessment of the said evidence for deciding the present petition since I am inclined to grant bail to the present petitioner on the ground of parity with Deepali Bassi who got interim bail. The petitioner is in jail since long time. There is no reason why the said benefit should not be extended to the present petitioner. In that view of the matter, I make the following order:-

ORDER

- (i) The petitioner shall be released on interim bail till the conclusion of the trial to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned, with an undertaking to be furnished by the petitioner that he will continue appearing before the trial Court on each and every date of hearing;
- (ii) The petitioner shall file an affidavit/undertaking before concerned CJM/DM that he will not commit similar or any other kind of offence in future;

- (iii) The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well;
- (iv) The petitioner shall surrender his passport, if he possesses, with the trial Court.
- (v) Disposed of.

(A.B. CHAUDHARI)
JUDGE

November 16, 2018

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No