

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

**Crl. Misc. No.M-5877 of 2019 (O&M)
Date of Decision: March 27, 2019**

Yadwinder Singh @ Yaad

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner (s).

Mr. N.K. Banka, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

This is second petition filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 24 dated 21.03.2017 registered for the offences punishable under Sections 379-B read with Section 34 of Indian Penal Code and 25 of Arms Act, 1959 (Section 473 IPC added subsequently), at Police Station Division No.8, District Ludhiana.

Heard.

Report received. As per the report, police has presented challan against 8 accused and till date, presence of all the accused could not be procured.

Learned counsel for the petitioner submits that co-accused

namely, Parveen, Gurpreet, Rinku, Satnam Singh and Narinder Pal Singh

have since been allowed regular bail in this case and only the petitioner is in custody.

Learned State counsel, on instructions from SI Seeshpal, submits that petitioner is accused in 5 other cases and he is a habitual offender. The car used in the crime was recovered from his possession.

Keeping in view the fact that the petitioner is in custody for the last about 2 years; his co-accused have already been allowed regular bail; the case is at preliminary stage of procuring presence of all the accused but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Yadwinder Singh @ Yaad is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

March 27, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No