

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

CRM-M No.10995 of 2019

Date of decision: 18th March, 2019

Kamaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vijay Kumar, Advocate for the petitioner.

Mr. Saurav Khurana, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The petitioner Kamaljit Singh who is in custody in this case bearing FIR No.02 dated 03.01.2018 under Sections 376-D, 511 IPC pertaining to Police Station Dehlon, District Ludhiana, has prayed for grant of regular bail under Section 439 Cr.P.C.

The facts as have been detailed are that the present case was got registered on the complaint of Harinder Singh alleging that it is on 02.01.2018 while he was going in the area of Police Station Dehlon in a deserted place he came across some noise and heard that a few persons were trying to defile some female and on account of urgency of work he had to go and subsequently on 03.01.2018 he got registered the present case, in which the accused petitioner and his co-accused non-applicant Harmail Singh alias Jot were named and subsequently the petitioner was arrested on 27.05.2018.

Learned counsel for the petitioner Mr. Vijay Kumar, Advocate inter alia contends that the co-accused Harmail Singh alias Jot

and Ravinder Singh alias Sonu were allowed similar relief vide orders dated 05.03.2019 and 25.01.2019, respectively and that the case of the petitioner is not distinguishable from that of his co-accused.

Mr. Saurav Khurana, learned Deputy Advocate General, Punjab on instructions from ASI Balbir Singh, Police Station Dehlon, District Ludhiana fairly concedes at the bar the consanguinity of facts of the petitioner's case with those of his co-accused but has opposed the grant of relief on the grounds of seriousness of allegations.

Appreciating the submissions of the two sides, the co-accused non-applicants Harmail Singh alias Jot and Ravinder Singh alias Sonu, who were similarly placed as the petitioner, have been allowed similar relief by this Court. The petitioner is behind bars since a long time. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof as well as the principle of parity, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana. However, anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 18, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No