

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

CRM-M No. 50325 of 2018

Date of decision : 30.01.2019

Dilawar Singh Saroha

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. J. S. Bedi, Senior Advocate with
Mr. Shiv Charan Bhola, Advocate for the petitioner.
Mr. Chetan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 334 dated 25.08.2017 under Sections 146, 147, 148, 149, 307, 332, 353, 186, 188, 427, 435, 121-A, 144, 145, 150, 151, 152, 153, 120-B of the Indian Penal Code, 1860, Sections 3 & 4 of the PDPP Act, 1984, Sections 3 and 4 of the Explosive Substance Act, 1908 and Section 25 of Arms Act, 1959, registered at Police Station – Sector 5, Panchkula, during pendency of the trial.

Learned Senior counsel for the petitioner submits that the case of the petitioner is at par with co-accused Bagicha Singh who filed CRM-M No.5085 of 2018 and has been released on regular bail vide order dated 06.04.2018. Other similarly situated co-accused have also been released on

regular bail. The petitioner is in custody since 14.09.2017 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as role attributed to the petitioner which is at par with co-accused Bagicha Singh, who has been released on regular bail.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

Admittedly, name of the petitioner is not mentioned in the FIR and he was not arrested from the place of occurrence. Co-accused namely Bagicha Singh and several others have been released on regular bail vide different orders passed by this Court. Trial is going on and the allegations shall be tested by the trial Court after leading evidence.

Accordingly, by considering parity with co-accused Bagicha Singh and other similarly situated co-accused, who have been released on regular bail and custody of the petitioner since 14.09.2017, no purpose would be served by keeping the petitioner in custody. The present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

30.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No