

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

CRM-M-41959-2019
Date of decision: 04.10.2019

Sarabjit Singh @ Sabi Lambar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bhrigu Dutt Sharma, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 41 dated 23.03.2015, registered under Sections 399 and 402 of the IPC read with Section 25 of the Arms Act, 1959 at Police Station Maqsudan, District Jalandhar.

Learned counsel for the petitioner submits that co-accused Gurpreet Singh, Nickalson and Karan, who faced full length trial, stand acquitted by the Sessions Judge, Jalandhar, vide judgment dated 25.10.2017 (Annexure P-5).

Learned counsel for the petitioner further submits that the allegations against the petitioner are identical to that of aforesaid co-accused and the petitioner had absented from the court proceedings when he was declared a proclaimed offender and was re-arrested on 06.08.2019 and since then, he is in judicial custody.

Learned State counsel has filed custody certificate and has not disputed the factual position, however, submitted that since the petitioner was granted concession of anticipatory bail, vide order dated 01.09.2015 passed in CRM-M-23209-2015 and then he absented from the court proceedings, therefore, now the trial will start *de novo*.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that similarly situated co-accused of the petitioner have been acquitted by the Sessions Judge, Jalandhar as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and on payment of cost of Rs. 10,000/- to be deposited with the District Legal Services Authority, Jalandhar on account of delaying the proceedings.

04.10.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No