

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

CRM-M-15543-2020 (O&M)
Date of Decision:- 15.7.2020

Tarlochan Singh @ Tota ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Umesh Sharma, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.213 dated 18.12.2017 under Sections 379-B/397 IPC at Police Station Garhshankar, District Hoshiarpur.
2. The FIR was registered at the instance of Dara Singh wherein it has been alleged that on 16.12.2017 when he was winding up his liquor shop, four persons came there on two motorcycles and that one of them hit him with a '*kirpan*' on the right side of his face and on his forehead. Another person hit him with a '*datar*' on his face and they snatched an amount of ₹ 700/- from his pocket and also took away his mobile phone and made good their escape on the motorcycles.

3. The learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated on the basis of disclosure statement allegedly made by co-accused. It has further been submitted that all other co-accused are on bail and that in these circumstances, the petitioner deserves the concession of bail on grounds of parity.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is involved in 9 other cases, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 2 years.
5. I have considered rival submissions addressed before this Court.
6. As regards the involvement of the petitioner in other nine cases, a perusal of the custody certificate would reveal that in eight out of the nine cases, the petitioner already stands acquitted and in one case, he has already undergone the sentence as imposed upon him.
7. Keeping in view the fact that the petitioner has been nominated on the basis of disclosure statement of co-accused, the veracity and authenticity of which is yet to be tested during trial and that he has already undergone about 2 years, his further detention will not serve any useful purpose
8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.7.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No