

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

231

**Crl. Misc. No.M-49798 of 2019 (O&M)
Date of Decision: March 06, 2020**

Dharmander

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Gulia, Advocate
for the petitioner (s).

Mr. Sandeep S. Mann, Sr. D.AG., Haryana.

SURINDER GUPTA, J.(Oral)

This third petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 531 dated 12.10.2018 registered for the offences punishable under Sections 398, 401 of Indian Penal Code and 25 of Arms Act. at Police Station Gannaur District Sonapat.

Learned counsel for the petitioner seeks bail to the petitioner on parity with co-accused Vijay @ Vije, who was allowed regular bail vide order dated 01.10.2019 passed in CRM No. M-20864 of 2019.

Learned State counsel submits that from the petitioner a pistol and 5 live cartridges were recovered. However, he does not dispute the parity of petitioner with the co-accused Vijay @ Vije. He further submits that the petitioner was involved in other three cases bearing FIR Nos.

285/18, P.S.Murthal, 561/15 P.S.Sadar Sonipat and 145/14, P.S.Murthal.

As per certificate of jail custody produced by learned State counsel, the petitioner has been acquitted in FIR No. 285/18 of P.S.Murthal while in other two cases, he is on bail.

Keeping in view the above facts and applying principle of parity with co-accused Vijay @ Vije, the present petition is allowed. Petitioner Dharmander is ordered to be released on regular bail on furnishing his 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 the prior permission of the Court.

March 06, 2020
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***