

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

**Crl. Misc. No.M-52231 of 2019 (O&M)
Date of Decision: March 13, 2020**

Lakshay @ Pappu

.....PETITIONER(s).

VERSUS

Central Bureau of Investigation

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sajjan Singh, Advocate
for the petitioner (s).

Mr. Sumeet Goel, Advocate
Retainer counsel for respondent-CBI.

SURINDER GUPTA, J.(Oral)

This is second petition filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in CBI case No.RCCHG512016S0014 dated 06.10.2016 registered at Police Station CBI, SCB, Chandigarh for the offences punishable under Sections 120B, 148, 149, 186, 188, 307, 353, 395, 427, 436, 452 and 124A of Indian Penal Code (for short-IPC) (Section 124A IPC not mentioned in the order of Special Judge, CBI, Panchkula), 25 of Arms Act and 3, 4 of Prevention to Damage to Public Property Act, 1984 earlier registered as FIR No.118 dated 27.02.2016, at Police Station Urban Estate Rohtak for the offences punishable under Sections 148, 149, 186, 188, 307, 353, 395, 427, 436, 452 and 124A IPC, 25 of Arms Act and 3, 4 of Prevention to Damage to Public Property Act, 1984.

Heard.

Learned counsel for the petitioner submits that the petitioner was arrested in this case on 19.07.2016. After completion of investigation, challan against him was presented and charge has been framed recently. Now, the next date for recording of evidence is fixed for 19.03.2020 and no witness has been examined till date. He seeks regular bail for the petitioner on parity with other accused namely Dilawar, Sudeep Kalkal and others, who have been released on bail and against whom the CBI was alleging more serious allegations of conspiracy, supported by video clippings. He further submits that out of 64 accused named in the challan, 63 accused have already been released on bail.

Learned counsel representing CBI has not contested the submission of learned counsel for the petitioner to the effect that 63 out of 64 accused named in the challan have been allowed bail and the accused having allegations serious than the petitioner, which are supported by direct evidence like video clippings etc. have also been allowed bail.

In view of the above and applying the principle of parity but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Lakshay @ Pappu is ordered to be released on regular bail on furnishing 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 prior permission of the Court.

March 13, 2020
Sachin M.

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>