

233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26224-2022

Date of Decision: 11th July, 2022

Rahul

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vinod Kumar Kaushal, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. The prayer in this petition is for grant of regular bail in case of FIR No. 315, dated 27th December, 2021, under Sections 399 and 402 of IPC, and Section 25 of Arms Act, 1959 (offences under Sections 27 of Arms Act, 1959 added later on), registered at Police Station Chheharta, District Police Commissionerate Amritsar, Amritsar.

2. Learned counsel for the petitioner claims parity with the co-accused Sarabjit Singh @ Sarb who was granted bail by this Court on 17th May, 2022 by passing the following order:-

“Prayer in this petition is for grant of regular bail in FIR No.315 dated 27.12.2021 under Sections 399 & 402 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Chheharta, District Amritsar.

Learned counsel for the petitioner submit that as per allegations in the FIR, registered at the instance of ASI Jagjit Singh, while on patrol duty, he received a secret information that Amanpreet Singh @ Anda, Ajay, Lovepreet Singh @ Love, Deepak Singh @ Deepu, Rahul, Sarabjit Singh @ Sarab, Malkiat Singh @ Billa and Sukhsahib Singh are present with deadly weapons and are preparing to commit the offence of dacoity. Thereafter, the police party apprehended

them and effected the recovery of some weapons. It is further submitted that the petitioner is in custody for the last 04 months and 17 days and no recovery was effected from him.

Learned State counsel, on the basis of custody certificate filed in the Court today, could not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.”

- 3. Learned State counsel opposes the prayer for grant of regular bail but is not in a position to distinguish the case of the petitioner vis-a-vis the co-accused so far as grant of bail is concerned.
- 4. Without commenting upon the merits of the case, petitioner is granted bail on the basis of parity, on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
- 5. The petition is allowed.
- 6. It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 7. Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

11th July, 2022
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No