

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

**CRM-M-23848-2016
Date of Decision :03.12.2016**

Nagender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Tanu Bedi, Advocate for the petitioner.

Mr. D.R.Singla, AAG, Haryana.

FATEH DEEP SINGH, J. (ORAL)

The allegations against the petitioner-Nagender in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No. 19 dated 20.01.2015 registered at Police Station Beri, District Jhajjar under Sections 148, 149, 323, 341, 506, 302 IPC, are that he along with his co-accused/non-applicants Ravinder, Sanjit Singh, Hoshier Singh, Yashpal were holding weapons consisting of iron rod and caused injuries on 18.01.2015 to deceased Satish, nephew of Ranbir Singh-complainant.

It is contended with much vehemence by the counsel for the petitioner Ms. Tanu Bedi that similarly placed co-accused/non-applicant Yashpal has been allowed bail by this Court vide order dated 26.05.2016 and similarly placed co-accused have also been allowed this relief vide orders dated 11.05.2016 & 26.04.2016 by the trial Court and that no specific role is attributed to any of the accused and has sought to highlight the charge sheet which has been framed on the petitioner.

Though learned State counsel has opposed the bail application

on the grounds of seriousness of the offence as well as the likelihood of tampering with the evidence.

Appreciating the submissions, admittedly the petitioner is in custody since 24.01.2015 and the orders of the trial Court allowing a regular bail application of co-accused Ravinder and Manjeet and denial of the same relief to the petitioner in itself suggestive of the perverse attitude and approach of the court below how it has failed to follow judicial discipline and principles of parity where there is no specific allegation against any of the accused including the present petitioner which is also well elicited from the trial Court records.

Keeping in view the principle of parity and that no specific injury is attributed to the petitioner and the trial is not likely to be concluded in near future and the fact that the principal witnesses have already been examined, impels this Court to allow the present bail application.

Accordingly, the petitioner – Nagender is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

The present petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 03, 2016

Sunil Devi

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