

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

CRM No.M-3979 of 2017 (O&M)

Date of decision:16.02.2017

Khushi Chand

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.270 dated 04.05.2014, under Sections 148, 149, 186, 332, 353, 341, 307 and 302 IPC, registered at Police Station City Jagadhri, District Yamuna Nagar.

Counsel would advert to an order dated 05.12.2016 passed by a coordinate Bench of this Court in CRM No. M-28393 of 2016 whereby co-accused Kamal Kumar was granted benefit of bail. The order dated 05.12.2016 passed by this Court in favour of Kamal Kumar reads in the following terms:

“The petitioner seeks grant of regular bail in case FIR No.270, dated 4.5.2014, registered under Sections 148, 149, 186, 332, 353, 341, 307, 302 of the IPC, at Police Station City Jagadhri, District Yamuna Nagar.

As per allegations, Amit Kumar killed Ramesh Kumar in broad day light and immediately thereafter the petitioner along with 15-20 other persons attacked at Amit Kumar and killed him. As per allegations, three police officials had also reached but the petitioner and other persons attacked them also and caused them simple injuries.

Counsel for the petitioner has argued that firstly, the only evidence which has appeared against the petitioner is the disclosure statement of the co-accused,

and secondly even taking the worst case (which is, however, not admitted), even if it is proved that the petitioner was a part of the group who killed Amit Kumar, he may be able to plead not guilty and sudden provocation. The petitioner has undergone the period of one year and more than two months of custody. In any event, keeping in view the period of custody, and the facts of the case, the petitioner deserves to be released on bail.

Learned DAG Haryana, on instructions from SI Arvind Kumar, has accepted all the factual assertions made above.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, as well as the facts of the case, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court/Duty Magistrate.

Petition stands disposed of.”

During the course of arguments, it has been conceded by learned State counsel that the allegations against co-accused Kamal Kumar and the present petitioner are identical.

Petitioner has faced incarceration since 10.08.2014.

As such on the ground of parity itself, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Yamuna Nagar.

Disposed of.

16.02.2017

hemlata/yogesh

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |