

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

CRM-M No.8643 of 2019

Date of decision: 5th March, 2019

Harmail Singh @ Jot

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. J.S. Thakur, Advocate for
Mr. Vaibhav Sehgal, Advocate for the petitioner.
Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Harmail Singh alias Jot in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.02 dated 03.01.2018 under Sections 376/511/376-D IPC pertaining to Police Station Dehlon, District Ludhiana, are that on the statement of one Harinder Singh alleging that on 02.01.2018 while he was going in the area of Police Station Dehlon and in a deserted place at night time he came across a few persons who were trying to defile a woman. The present case was got registered on 03.01.2018 and then on 21.05.2018 statement of the girl was recorded and who has only stated that after hearing conversation between the accused she has named the persons but failed to identify the assailants. It is the stand of the State that

neither any medical evidence has been taken nor statement under Section 164 Cr.P.C. of the victim has been recorded. On the basis of this evidence the petitioner was arrested on 27.05.2018.

Learned counsel for the petitioner Mr. J.S. Thakur, Advocate inter alia contends that similarly placed co-accused non-applicant Ravinder Kumar alias Sonu was allowed the relief vide orders dated 25.01.2019 and has placed reliance on (Annexure P3) and that similar is the situation as to the allegations qua the petitioner.

Learned State counsel on instructions from HC Ranjit Singh, Police Station Dehlon with all fairness has conceded at the bar that the case of the present petitioner is covered by that of his co-accused Ravinder Singh alias Sonu.

Going through the submissions of the two sides, the petitioner is behind bars for the last around ten months and similarly placed co-accused non-applicant Ravinder Singh alias Sonu has been allowed bail vide orders dated 25.01.2019 and thus, by the principle of parity as is conceded to at the bar by learned State counsel in the absence of any such material against the petitioner, it is a fit case to allow the prayer made. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty

Magistrate, Ludhiana. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 5, 2019

rps

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