

203-1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13216-2020(O&M)

Date of decision : 17.11.2020

Jota Ram @ Joti

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.127 dated 27.06.2019 under Sections 307, 353, 332, 186, 436, 427, 148, 149, 120-B of the Indian Penal Code, 1860 and Section 52 of Jail Act, 1894 registered at Police Station Division No.7, Ludhiana.

Learned counsel for the petitioner has contended that the only role attributed to the petitioner is of instigating the crowd. He has further contended that the similarly situated co-accused against whom also the only allegation was regarding instigation of the crowd, have been granted bail by this Court in CRM-M No.18018 of 2020 titled as "Romins V/s State of Punjab" decided on 13.08.2020; CRM-M No.15084 of 2020 titled as "Gurjant Singh V/s State of Punjab" decided on 29.06.2020; CRM-M No.26979 of 2020 titled as "Karan Chaudhary @ Karam

Chaudhary V/s State of Punjab decided on 16.09.2020 and *CRM-M No.46775 of 2019* titled as *“Karamjit Singh @ Kalu V/s State of Punjab”* decided on 08.01.2020.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, on instructions from ASI Satvir Singh, is not in a position to controvert that the similarly situated co-accused against whom similar allegations have been made, have been granted regular bail by this Court.

Keeping in view the facts and circumstances of the case and on the ground of parity, I deem it fit to grant the concession of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

17.11.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO