

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(205)

CRM-M-30101-2020

Date of Decision: October 07, 2020

Dhanna Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manuj Nagrath, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.161 dated 03.08.2015, under Sections 302, 307, 325, 341, 506, 148, 149, 120-B IPC registered at Police Station Sadar, Jagraon, District Ludhiana.

Learned counsel for the petitioner argues that according to the FIR, co-accused Karnail Singh had inflicted three injuries, two on the head and one on the eye of the deceased and one '*kirch*' blow was attributed to the petitioner on the deceased. Learned counsel for the petitioner submits that co-accused Karnail Singh approached this Court for the grant of regular bail by filing CRM-M-17228-2020 but the said benefit was declined to him vide order dated 20.07.2020 and thereafter, the Hon'ble Supreme Court of India in SLP (Crl.) No.3932 of 2020, granted the bail to the co-accused Karnail Singh on the ground that the said co-accused Karnail Singh has already been suffered more than five years in jail. Learned counsel for the petitioner

further submits that the petitioner has been attributed lesser role than co-accused Karnail Singh in the FIR and he has also suffered more than five years in jail upto now, hence, on the ground of parity, he be also granted the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent.

Learned counsel for the respondent does not dispute the fact that the petitioner is behind the bars for the last more than five years. Learned counsel for the respondent also does not dispute the factum of the bail granted to co-accused Karnail Singh, who has been attributed three grievous injuries upon the victim. Learned counsel for the respondent submits that the case is at final arguments and therefore, at this stage, the petitioner be not granted the benefit of bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once it is conceded that the role attributed to the petitioner is lesser than the role attributed to co-accused Karnail Singh and Karnail Singh has already been granted the benefit of bail by the Hon'ble Supreme Court of India on the ground that he has suffered more than five years in jail, on the ground of parity, the petitioner is also entitled for the same benefit. The order passed by the Hon'ble Supreme Court of India on 20.07.2020 is as under:-

“The Court is convened through Video Conferencing.

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the State of Punjab at length.

During the course of hearing, we are informed by the learned counsel for the State that examination of prosecution witnesses is over and only defence witnesses are required to be examined in the matter by the Trial Court.

Learned counsel appearing for the State of Punjab, however vehemently opposed releasing the petitioner on bail.

Taking into consideration the fact that the petitioner has already suffered more than 5 years in jail, we are inclined to grant him bail.

The petitioner is, therefore, directed to be released on bail subject to such terms and conditions which the concerned Trial Court shall deem fit to impose upon him.

Having regard to the facts and circumstances of the case, we direct the Trial Court to expedite the trial and conclude the same preferably within a period of six months from the date of communication of this order.

Once the arguments commence in the Trial Court the petitioner is directed to surrender and appear regularly before the said Court to enable it to pass final order after conclusion of trial.

The Special Leave Petition is, accordingly, disposed of in the afore-stated terms.”

Once, no distinguishable fact has been pointed out between the petitioner and the co-accused Karnail Singh, the petitioner cannot be denied the same benefit as extended to co-accused Karnail Singh by the Hon'ble Supreme Court of India.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Illaqa Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 07, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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