

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

(208)

CRM-M-17632-2020

Date of Decision: July 22, 2020

Jahul

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohd. Salim, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in case FIR No.253 dated 23.09.2019, under Sections 420, 489-A, 489-B (489-C, 120-B, 34, 170, 201 IPC added later on) registered at Police Station Sector 65, Gurugram, District Gurugram.

Learned counsel for the petitioner states that similar allegations were made against the petitioner and co-accused namely Mohammad Hasim and Mubarik with regard to the recovery of a counterfeit currency notes. Learned counsel for the petitioner further states that all the other three co-accused have already been extended the concession of regular bail and as the allegations alleged against the petitioner and co-accused Mohammad Hashim and Mubarik are similar, the petitioner is also entitled for the concession of bail.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, on the instructions from SI Harnaresh, Police Station Sector 65, Gurugram, concedes that allegations against the petitioner, Mohammad Hasim and Mubarik are identical with respect of the

recovery of counterfeit currency and co-accused Mubarik has already been extended concession of bail by this Court and Mohammad Hasim has been granted concession of bail by Additional Sessions Judge, Gurugram.

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

Once, the allegations against the petitioner as well as against the co-accused Mohammad Hasim and Mubarik are identical and Mubarik has already been granted the concession of regular bail by this Court in CRM-M-12889-2020, the petitioner has made out the claim for the grant of regular bail. This Court while deciding CRM-M-12889-2020 passed the following order on 08.06.2020 granting the benefit of regular bail to Mubarik:-

“This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.253 dated 23.09.2019, under Sections 489-B/489-C/120- B/420/34/170/201 IPC, registered at Police Station, Sector 65, Gurugram.

Learned counsel for the petitioner refers to the order dated 18.05.2020 (Annexure P-3) passed by the Additional Sessions Judge, Gurugram, whereby co-accused Mohd. Hasim has been granted regular bail. Learned counsel contends that the petitioner is similarly placed as Mohd. Hasim and he has a right to be released on bail.

Heard.

A perusal of the order dated 11.05.2020 (Annexure P-2) passed by the Additional Sessions Judge, Gurugram shows that bail application of present petitioner has been dismissed on the ground that earlier bail application filed by co-accused Hasim had been dismissed. But, now the bail application of co-accused Mohd. Hasim has already been accepted vide order dated 18.05.2020 (Annexure P-3).

Keeping in view the period of incarceration of the petitioner and the fact that the trial will take some time for its

conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurugram”.

Once, the fact that similarly situated co-accused have been extended the benefit of regular bail is not disputed, the same concession cannot be denied to the petitioner without there being any differentiating fact. No differentiating fact has been brought to the notice of this Court in respect of the allegations against the petitioner and co-accused Mohammad Hasim and Mubarik, who have already been extended the benefit 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/Duty 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.

(HARSIMRAN SINGH SETHI)
JUDGE

July 22, 2020
harsha

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