

CRM-M-19885 of 2020

Date of Decision : 10.08.2020

Kaur Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.P.S. Tung, Advocate  
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

This is a petition under Section 439 Cr.P.C. for grant of regular bail in respect of FIR No.183 dated 16.10.2018 under Sections 498-A, 376, 506, 120-B IPC (Section 376-D added later on) registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner argues that the prosecutrix and his brother have not supported the prosecution version during the trial and further, the co-accused of the petitioner namely, Gurdeep Singh, Balvir Singh @ Beeru and Sukhdev Singh @ Sukha have already been extended the benefit of regular bail by this Court and, therefore, as the petitioner, who is similarly situated as the co-accused and rather is on better footing, is entitled for the grant of regular bail.

Notice of motion.

Mr. Avtar Singh Sandhu, Addl. 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 respondent-State.

Learned State counsel very fairly concedes that the prosecutrix and his brother have not supported the prosecution version during the trial and further, the co-accused of the petitioner have already been granted concession of regular bail by this Court.

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

Once the prosecutrix and main witness i.e. brother of the prosecutrix have not supported the prosecution version, the petitioner has made out a case for the grant of regular bail. Further, it is not disputed that the co-accused of the petitioner have been granted concession of regular bail by this Court while deciding CRM-M-38226 of 2019, CRM-M-494 of 2020 and CRM-M-53338 of 2019. Once the co-accused, who were similarly situated, have been extended the benefit of regular bail, the same cannot be denied to the petitioner unless and until some differentiating facts are brought on record. Learned State counsel has not brought to the notice of this Court any differentiating fact between the petitioner and co-accused, who have been extended benefit of regular bail by this Court. That being so, on the ground of parity, the petitioner has made out a case for the grant of regular bail, especially, when the trial is likely to take some time to conclude and keeping the petitioner behind the bars will serve no useful purpose.

Without commenting upon the merits of the case, it is directed

that the petitioner be released on regular bail, subject to the satisfaction of 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.

**August 10, 2020**  
*aarti/naresh k.*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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