

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-22193 of 2020 (O&M)
Date of Decision : 14.08.2020

Gurnam Singh alias Vicky

....Petitioner

Versus

State of Punjab

.....Respondent

(Through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

CRM-19114-2020

Application is allowed, as prayed for.

CRM No. M-22193-2020

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 13 dated 31.01.2019, under Sections 394, 452, 336, 148, 149, 34 of IPC and Section 25/27 of Arms Act, 1959 registered at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner submits that all the co-accused of the petitioner have already been granted the benefit of regular bail by this Court, whereas the same concession has been denied to the petitioner by the learned Additional Sessions Judge, Moga while deciding his bail application by passing the order dated 23.07.2020. Learned counsel

for the petitioner submits that petitioner is entitled for the concession of regular bail on parity with the co-accused, who have been granted the concession of regular bail.

Notice of motion.

Mr. Mehardeep Singh, learned Additional Advocate General, Punjab, who has also 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 states that though there is a parity between the petitioner and the other co-accused qua the allegations but there are other cases pending against the petitioner and, therefore, keeping in view the antecedents of the petitioner, he is not entitled for the concession of regular bail.

I have heard learned counsel for the parties and have gone through the record very carefully.

Once, it is conceded by learned State counsel that allegations alleged against the petitioner and co-accused are similar, the petitioner is entitled for claiming parity for the grant of concession of bail unless and until some differentiating facts are brought to the notice of this Court. The differentiating facts pointed out by learned State counsel is the pendency of the other cases, cannot be accepted as this Court while granting the benefit of bail to co-accused Virpal Singh by passing order in CRM No. M-13084 of 2020 on 14.07.2020, noticed the pendency of the other cases against him and still granted the concession of bail. Once Virpal Singh, co-accused, against whom also the cases are pending, has been extended the benefit of bail, there is no reason to deny the petitioner the benefit of regular bail.

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 obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the 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.

It is made clear that in case petitioner is found involved in any other case hereinafter, the present order will also be liable to be reviewed.

August 14, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No