

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

CRM-M-23234 of 2020

Date of Decision : 19.08.2020

Lali

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasdev Singh Thind, Advocate
for the petitioners.

Ms. Safia Gupta, A.A.G, Haryana.

Harsimran Singh Sethi, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.90 dated 19.03.2020 under Sections 384,388,389,506 and 120-B IPC registered at Police Station Adampur, District Hisar.

Learned counsel for the petitioner argues that the allegations against the petitioner and one Pinki were identical in the FIR and the said co-accused Pinki has already been granted the benefit of regular bail by this Court while deciding CRM-M-21488 of 2020 on 04.08.2020 and, therefore, on the ground of parity, the petitioner is also entitled for the benefit of regular bail.

Notice of motion.

Ms. Safia Gupta, A.A.G, Haryana, 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 concedes that the allegations against the co-accused Pinki and the petitioner are identical and further, Pinki has already been granted the benefit 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, a similarly situated co-accused has been extended the benefit of regular bail, the same can only be denied to the petitioner, in case, any differentiating facts are brought on the record. In the present case, no differentiating fact has been brought on record to show that the allegations against the co-accused Pinki and the petitioner herein are different so as to deny the petitioner the benefit of parity. Rather, the position with regard to the similar accusation against Pinki i.e. co-accused and the petitioner stands admitted by the respondent-State. This Court while deciding CRM-M-21488 of 2020 on 04.08.2020 has passed the following order:-

“This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.90 dated 19.03.2020, under Sections 384, 388, 389, 506, 120-B IPC, registered at Police Station Adampur, District Hisar.

Notice of motion.

Mr. Anmol Malik, DAG., Haryana, accepts notice on behalf of the respondent-State. Advance copy of the

application stands served. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner is in contact with the co-accused namely Lali, because she is a co-owner of the shop, where the petitioner is running a boutique. The petitioner, who is stated to be running a boutique, it is contended, has nothing to do with the offence in question. The complainant, though known to the petitioner being an agent of a cloth merchant, has falsely implicated the petitioner to wriggle out of his financial liabilities. Challan in this case stands presented. No recovery has to be effected from the petitioner, who is not involved in any other criminal case. It is thus prayed that the present petition be allowed.

Learned counsel for the State, on instructions from SI Sahab Ram, verifies that the final report under Section 173 Cr.P.C, stands presented in this matter and that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. Trial in this case is not likely to be concluded in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and

circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Pinki, is allowed. The petitioner be released on bail pending trial subject to her furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

Petitioner shall not try to contact the complainant or any of the witnesses, directly or indirectly. Any such infraction shall entail cancellation of bail afforded to her.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

Keeping in view the above, the petitioner has also made out a case for the grant of regular bail, especially, when the trial is likely to take some time before it concludes and keeping the petitioner behind the bars will serve no 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 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.

August 19, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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