

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-23080 of 2020
Date of Decision : 17.09.2020

SACHIN

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sudhir Kumar Hooda, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-23147-2020

Present application has been filed for placing on record orders dated 08.06.2020, 25.06.2020 passed by Additional Sessions Judge, Rohtak and 25.08.2020 passed in CRM No. M-23063 of 2020 as Annexures P-5, P-6 and P-7 respectively.

Application is allowed and aforesaid orders are taken on record as Annexures P-5, P-6 and P-7 respectively.

CRM No. M-23080 of 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. 57 dated 08.02.2020 under Section 15-16 of Petroleum Act, 1934, Sections 3 & 4 of Explosive Substances Act, 1908, Sections 3 & 4 of Prevention of Damage to Public Property (PDPP) Act, 1984 and Sections 285, 34, 379 IPC, registered at

Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that petitioner has wrongly been implicated in the present case though, he is innocent. Learned counsel for the petitioner further submits that co-accused of the petitioner, namely, Narender @ Nander and Bijender @ Kala have already been granted the benefit of bail. Learned counsel further submits that the allegations against the petitioner and the other co-accused are identical and, therefore, on the ground of parity, petitioner is entitled for the concession of regular bail.

Learned counsel for the petitioner submits that petitioner, against whom another FIR No. 548 dated 14.12.2019 on similar allegations has been registered, has already been granted the benefit of bail by this Court while deciding CRM No. M-23063 of 2020 on 25.08.2020.

Learned State counsel submits that the petitioner is a habitual offender and there are other FIRs registered against him and, therefore, prayer of the petitioner for the grant of regular bail may kindly be declined.

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

It is not disputed by learned State counsel that the allegations against the petitioner and the other co-accused are identical. It is further not disputed that even against the co-accused, there are other cases of the similar nature pending but still, they have been extended the benefit of bail. In the case of the petitioner as well, this Court while deciding CRM-M-23063 of 2020 on 25.08.2020, has granted bail to the petitioner, wherein, similar allegations were alleged against him.

Once, the similarly situated co-accused have been extended the benefit of bail, petitioner is also entitled for the same benefit.

The petitioner be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned, in case he is not required in any other case.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented 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.

September 17, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No