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Date of Decision: 01.10.2020

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No. 232 dated 3.9.2019 under Sections 307/120-B/148/149/506 of IPC and Section 52 of Prisons Act, 1894 registered at Police Station Islamabad, District Amritsar.

The petitioners are confined in Central Jail, Amritsar in different cases. They are primarily seeking bail on the ground of parity alleging that similarly placed co-accused namely Karamjit Singh @ Karma, Harmanjit Singh @ Harman and Rohit Sharma have been granted bail by this Court. The occurrence had taken place in the jail premises. Though, the offence under Section 307 IPC has been added but it has been stated that the injured had only sustained simple injuries. There is no medical opinion to indicate that any injury falls under Section 307 IPC. It has also been conceded by learned counsel for the petitioners that they are involved in other cases.

It has been pointed out on behalf of petitioner-Amanpreet Singh @ Rinka that he has been arrayed as accused in 12 other cases but has not been convicted in any case till date.

It has been stated on behalf of petitioner-Daljit Singh @ Bhana that he has been convicted in one case pertaining to Section 302 IPC which pertains to the year 2014 and furthermore, he is facing trial in one case.

It has been pointed out on behalf of petitioner-Vikas Kumar that the he has been convicted in one case under Section 452, 323 and 324 IPC and two other cases are pending against him.

Learned State counsel, on instructions from ASI Tejinder Singh has not disputed the factual aspect of the matter.

In the instant case, though the offence under Section

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307 IPC has been added but it becomes debatable as to whether the said offence is made out or not as the injuries are stated to be simple in nature. The petitioners are behind the bars since the date of registration of FIR in this case. The similarly placed co-accused have been granted bail by this Court. As such, the petitioners also become entitled to the concession of bail on the principle of parity.

Considering the above and the fact that the conclusion of trial is likely to consume some time, further detention of the petitioners may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

01.10.2020

Janki

(VIVEK PURI)
JUDGE

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