

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

**CRM-M-34739-2020
Date of Decision: 06.11.2020**

Deepak Kumar

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nitin Mittoo, Advocate for the petitioner.
Mr. Davinderbir Singh, DAG Punjab.
*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*
* * *

VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.11 dated 16.1.2020, under Section 392, 307, 34 of IPC and 25, 54, 59 of Arms Act, 1959 registered at Police Station Jamalpur, District Ludhiana.

Briefly, the FIR has been registered at the instance of Tehal Singh alleging that he is the President of Shri Bhagat Guru Ravidas Gurudwara Sahib of his village. Harkirat Singh is working as Granthi who is residing with his family in the Gurudwara premises. On 15.1.2020, it was the turn of the complainant to sleep in the Gurudwara. During the night hours, at about 1.15 A.M. two bare headed men entered the Gurudwara premises and tried to snatch the key of the locker. On the refusal of the complainant, one of the assailants snatched the key of the locker at the pistol point. After opening the locker, they started taking out money. The complainant ran away from the spot. One of the assailants followed and fired upon him. However, the complainant hid himself in a corner and thereafter went outside raising alarm. The people were attracted at the spot and the assailants slipped away from the spot and they were addressing each other by the name Krishan and Deepak.

It has been stated by learned counsel for the petitioner that though

22.9.2020 but subsequently, co-accused namely Krishan Pal @ Krishan Kumar has been granted bail by the Coordinate Bench of this Court in terms of the order dated 5.10.2020 passed in CRM-M-29961-2020. It has been further stated that the petitioner is in custody for the last 9 months and 17 days, investigation of the case is complete, the challan has already been presented in the Court and conclusion of the trial is likely to take some time. Moreover, it is a case of no injury.

On the contrary, learned State counsel has not assailed the factual aspect of the matter but has pointed out that another case bearing FIR No. 2 dated 7.1.2020 under Section 457/380 IPC has been registered against the petitioner at Police Station Jamalpur, District Ludhiana.

Faced with this situation, it has been pointed out by learned counsel for the petitioner that in the said case, even Krishan Pal has been arrayed as an accused and both of them have been granted bail by the Court of Judicial Magistrate First Class.

In the instant case, the co-accused has been granted bail and in such circumstances, on the basis of principle of parity, petitioner also becomes entitled to the grant of bail. The case of the petitioner is at par with the co-accused, who has been granted bail.

Accordingly, without making any comment on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

06.11.2020

Janki

(VIVEK PURI)
JUDGE

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