

205

CRM-M-37864 of 2020

Date of Decision : 27.11.2020

...Petitioner

Versus

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.

for the grant of regular bail to the petitioner in respect of FIR No.13 dated 31.01.2019 under Sections 394, 452, 336, 148, 149, 34 IPC (Sections 379 and 411 IPC added later on) and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner submits that the petitioner has wrongly been roped in the present FIR. Learned counsel for the petitioner further submits that the investigation is already over and the challan has already been submitted. Learned counsel for the petitioner further submits that the co-accused, who are similarly situated as the petitioner, have already been extended the benefit of regular bail by this

Court and, therefore, the petitioner be granted the benefit of regular bail on the ground of parity.

Learned State counsel very fairly concedes that the co-accused namely, Gurwinder Singh, Sukhjinder Singh @ Kaka, Gursimrat Singh @ Simmu and Virpal Singh have already been granted the benefit of regular bail by this Court. Learned State counsel further concedes that the allegations alleged against the petitioner and other co-accused are similar in nature.

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

Once, it is conceded that the allegations against the petitioner and the other co-accused are similar and the said co-accused have already been granted the benefit of regular bail by this Court, copies of which orders have been appended by the petitioner with the present petition as Annexures P/1 to P/4, the petitioner has made out a case for the grant of regular bail on the ground of parity, 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.

November 27, 2020
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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