

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

-:-

CRM-M-38202-2020

Date of decision : 16.12.2020.

JAGDEV SINGH

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Atul PrataapDhankar, Advocate for
Mr. BijenderDhankar, Advocatefor the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner pending trial in FIR No.93 dated 27.08.2019 under Sections 346, 302, 201, 394, 457, 380, 120-B, 336, 320, 411 and 34 of the Indian Penal Code, 1860 and Sections 15(2), 15(3) of the Indian Medical Council Act, 1956 registered at Police Station Odhan, District Sirsa.

Learned counsel for the petitioner has contended that vide order dated 08.10.2020 in CRM-M-25318-2020 passed by a Coordinate Bench, a similarly situated co-accused has since been granted bail. He would further contend that the body of the deceased has yet not been recovered and the petitioner has been named in the disclosure statement of Om Parkash, the main accused in the case.

Learned State counsel has filed a reply by way of affidavit of Kuldeep Singh Beniwal, HPS, Deputy Superintendent of Police, Dabwali, District Sirsa wherein it has been stated that the Bolero car

involved in the crime and an amount of Rs.80,000/- have since been recovered from the petitioner. Learned State counsel is, however, not in a position to deny that from the co-accused who has been granted bail by this Court, the motor-cycle used in the crime and an amount of Rs.2,50,000/- were recovered. She further states that the petitioner is in custody since 01.09.2019. Learned State counsel has also pointed out that as per the status report, there is no other criminal case pending against the petitioner.

I have heard learned counsel for the parties.

The petitioner in the present case is in custody since 01.09.2019. Challan has already been presented. The petitioner would also be entitled to bail on the ground of parity alone inasmuch as the petitioner herein is similarly situated as the accused Vijay @ Vijay Pal who has already been granted regular bail by this Court.

Without commenting on the merits of the case and keeping in view the fact that the petitioner has been in custody since 01.09.2019 and the similarly situated co-accused has since been granted bail by this Court as also the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail

cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off, accordingly.

December 16, 2020
kv

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No