

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-3442 of 2021

Date of Decision : 10.09.2021

Krishan

..Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Punit Malik, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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.62 dated 23.02.2019 registered under Sections 302, 386, 34 & 120-B of IPC and Section 25 of the Arms Act, 1959 at Police Station Badshahpur, District Gurugram.

Learned counsel for the petitioner argues that the co-accused of the petitioner namely, Sujit @ Bullet and Rahul @ Banjara, against whom, similar allegations have been alleged, have already been granted the benefit of regular bail. Learned counsel for the petitioner further argues that on the ground of parity, the petitioner is also entitled for the grant of regular bail.

Learned State counsel concedes that the allegations against the petitioner and the co-accused Sujit @ Bullet and Rahul @ Banjara are similar in nature except the fact that a Scooty was recovered from the petitioner.

I have heard learned counsel for the parties and have gone

through the record with their able assistance.

A parity being claimed by a co-accused can only be denied in case, any differentiating fact between two co-accused is pointed out. In the present case, learned State counsel has conceded that the allegations alleged against the petitioner as well as co-accused namely, Sujit @ Bullet and Rahul @ Banjara are similar in nature. Once, a similarly situated co-accused has already been granted the benefit of regular bail, the same benefit cannot be denied to the petitioner. Therefore, the petitioner has made out a case for the grant of regular bail on the ground of parity, especially, when learned counsel for the petitioner undertakes that the petitioner will maintain good conduct while on bail and will not obstruct the trial in any manner or will not influence the witnesses, whose statement is yet to be recorded.

In case of default of the above undertaking or in case, any complaint is received alongwith some cogent evidence that the petitioner is interfering in the trial or intimidating the witnesses, the State will be at liberty to approach this Court for re-consideration of the present order granting bail to the petitioners.

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.

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 10, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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