

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109+208

CRM-36417 of 2021 in/and
CRM-M-5941 of 2021
Date of Decision : 01.11.2021

Abhishek

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-36417 of 2021

As prayed for, application is allowed.

Copy of order dated 21.10.2021 is taken on record.

CRM-M-5941 of 2021

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.386 dated 30.05.2020 under Sections 323, 34, 365 & 387 of the IPC (Section 364-A of the IPC added later on) and Sections 25 and 54 of the Arms Act registered at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner argues that in the present case, the main allegations are against co-accused namely, Naveen s/o Jagat Singh. Learned counsel for the petitioner submits that though, the petitioner has been named in the FIR but, main accused is Naveen s/o Jagat Singh,

who has already been extended the benefit of regular bail by the trial Court vide order dated 21.10.2021, hence, the petitioner be also extended the same benefit on the ground of parity.

Learned State counsel submits that there are specific allegations alleged against the petitioner, which are very serious in nature. Learned State counsel concedes that the main allegations in the present case are against co-accused Naveen s/o Jagat Singh, who has already been extended the benefit of regular bail by the Court below on 21.10.2021.

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

Once, a co-accused, who is being considered as a main accused as per allegations, has already been extended the benefit of regular bail by the Court below, the same benefit cannot be denied to a co-accused unless and until any differentiating fact between the two accused is brought to the notice of this Court. In the present case, no such fact has been brought to the notice of this Court, which would disentitle the petitioner for the grant of benefit of regular bail on the ground of parity. Hence, 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 not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

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.

November 01, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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