

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

(204)

CRM-M-6195-2021

Date of Decision: February 17, 2021

Jaspreet Singh alias Jassi

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajvinder Singh Bains, Advocate, for the petitioner.

Mr. Amit Mehta, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present second petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.0007 dated 07.02.2019 under Section 25 of the Arms Act, 1959 and Sections 10, 13, 15, 16, 17, 18 and 18-B of Unlawful Activities (Prevention) Act, 1967 (Section 120 IPC added later on) registered at Police Station Balachaur, District S.B.S Nagar, Punjab.

Learned counsel for the petitioner submits that similar allegations in the FIR have been alleged against the main accused Gurdeep Singh @ Deep @ Chota Kutra and the petitioner and said Gurdeep Singh @ Deep @ Chota Kutra has already been granted the benefit of regular bail by this Court while deciding CRM-M-2893-2020 on 05.01.2021 (Annexure P-5) and therefore, the petitioner, who is similarly situated as co-accused Gurdeep Singh @ Deep @ Chota Kutra, be granted the benefit of regular bail on the ground of parity.

Notice of motion.

Mr. Amit Mehta, learned Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned counsel for the respondent-State concedes that the allegations alleged against the petitioner and co-accused Gurdeep Singh @ Deep @ Chota Kutra are identical. Learned counsel for the respondent-State also concedes that another co-accused Mohammad Shareef has also been extended the benefit of regular bail by this Court on the basis of parity with the main accused Gurdeep Singh @ Deep @ Chota Kutra.

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

Once, it is conceded by the respondent that Gurdeep Singh @ Deep @ Chota Kutra was the main accused and the allegations in the FIR against the said accused and the petitioner are similar and co-accused has been granted the benefit of regular bail by this Court, the petitioner cannot be denied the said benefit unless and until some differentiating facts are brought to the notice of this Court so as to deny the petitioner parity for the grant of concession of bail qua co-accused Gurdeep Singh @ Deep @ Chota Kutra.

Learned counsel for the respondent-State concedes that before this Court there are no differentiating facts between the petitioner and co-accused Gurdeep Singh @ Deep @ Chota Kutra. That being so, the benefit as extended to co-accused Gurdeep Singh @ Deep @ Chota Kutra for regular bail, cannot be denied to the petitioner on the ground of parity.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, 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.

(HARSIMRAN SINGH SETHI)
JUDGE

February 17, 2021
harsha

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