

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9606-2021

Date of decision: - 23.04.2021

Dharampal

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Grover, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present third petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in DDR No.23 dated 10.05.2020, under Sections 307, 326, 450, 324, 323, 506, 148, 149, 188 and 269 IPC as well as Section 151 of the Disaster Management Act, 2005 and Section 3 of the Epidemic Disease Act, 1897, registered in cross-case FIR No.88 dated 08.05.2020, at Police Station Lambi, District Sri Mukstar Sahib.

Learned counsel for the petitioner argues that the allegations alleged against the petitioner are false and he has been wrongly roped in the present case. Learned counsel for the petitioner submits that co-accused of the petitioner have already been granted the benefit of bail

by this Court and therefore, on the ground of parity, the petitioner is also entitled for the grant of regular bail.

Notice of motion.

Ms. Bhavna Gupta, DAG, 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 State counsel submits that there are serious allegations against the petitioner of causing injuries to the victim. Learned State counsel further submits that petitioner has been attributed '*kirpan*' blow to the complainant Balwinder Singh and other two injured persons, namely, Kaka Singh and Kashmir Singh and unfortunately, later on Kaka Singh has lost his life after the said incident. Learned State further submits that the petitioner and co-accused to whom the bail has been extended are not similarly situated, as there are no allegations of any injury attributed to the said co-accused and therefore, parity being claimed by the petitioner between him and other co-accused, who have already been granted the concession of regular bail, is misplaced.

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

The main allegations in the incident are upon the petitioner for causing injuries to the complainant and other two persons, namely, Kaka Singh and Kashmir Singh. Learned counsel for the petitioner concedes that the attributed injuries to the petitioner are specific in the DDR and the said injuries have been corroborated by the medical report

of the victims. Further the complainant & other material witnesses are yet to be examined, hence, releasing of the petitioner on bail at this stage is likely to influence the trial.

Further, in respect of the argument raised by learned counsel for the petitioner that co-accused have already been granted the bail and therefore, on the basis of parity, the petitioner should be also granted the regular bail, the said argument is fallacious and is not supported by the facts. The allegations against the petitioner are specific of inflicting serious injuries upon the victim, whereas, co-accused who have been granted the benefit of bail, have only been stated to be armed with 'lathies' and no serious injuries upon the victim has been attributed to them. The parity being claimed by the petitioner along with other co-accused is not supported by the allegations and the facts which have already come on record and is totally misplaced.

Keeping in view the fact that the allegations against the petitioner are serious in nature and the trial is such stage where the complainant and other material witnesses are yet to be examined, no ground is made out to grant the bail of the petitioner at this stage.

Dismissed.

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

April 23, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No