

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

-.-

CRM-M-10209-2021

Date of decision : 10.03.2021.

Gulab Devi alias Dholi

.....Petitioner

Vs.

The State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through physical hearing.

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, 420 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Learned counsel for the petitioner would contend that after the first petition was withdrawn on 01.12.2020, a similarly situated co-accused, namely, Jagdev Singh was granted regular bail by this Court vide order dated 16.12.2020 passed in CRM-M-38202-2020 and co-accused Vijay @ Vijay Pal was granted regular bail by a Coordinate Bench vide order dated 28.10.2020 passed in CRM-M-25318-2020. Learned counsel for the petitioner would further contend that the petitioner has been in custody since

30.08.2019 and he was named only in the disclosure statement of Om Parkash, the main accused. Though, it has been alleged that there is recovery of Rs.1 lakh, one gold chain and one ear-rings from the petitioner, however, learned counsel for the petitioner would contend that the prosecution has failed to connect the petitioner with the crime and even the corpse of the deceased has not been recovered till date.

Learned State counsel, on instructions from SI Madan Lal has stated that the petitioner is involved in the crime and an amount of Rs.1 lakh along with one gold chain as well as pair of the ear-rings of the deceased has been recovered. Learned counsel for the State is, however, not in a position to deny that similarly situated co-accused, namely, Vijay @ Vijay Pal and Jagdev Singh, have been granted bail by this Court, from whom an amount of Rs.2,50,000/- and Rs. 80,000/- were recovered respectively. Learned State counsel on instructions has further stated that there is no other criminal case pending against the petitioner.

I have heard the learned counsel for the parties.

The petitioner in the present case is in custody since 30.08.2019. Challan already stands presented. The petitioner would be entitled to bail on the ground of parity alone inasmuch as the petitioner herein is similarly situated as co-accused Vijay @ Vijay Pal and Jagdev who have 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 30.08.2019 and the similarly situated co-accused have since been granted bail by this Court as

also the fact that the trial is unlikely to conclude in the near future especially 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.

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.

March 10, 2021
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(ALKA SARIN)
JUDGE

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