

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17324-2021 (O&M)
Date of Decision:-25.10.2021

Parvinder Kumar @ Honey

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pushpinder Kaushal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.110 dated 20.11.2019 at Police Station Anandpur Sahib, District Rupnagar under Sections 302, 307, 120-B, 506, 148 and 149 of Indian Penal Code.
2. The FIR was lodged at the instance of Talvinder Singh, wherein it is alleged that on 19.11.2019 at about 9 PM, when he along with his brother Sukhvinder Singh, Harjit Singh and Amritpal Singh were proceeding on foot towards their home, then one Innova vehicle came from the opposite side, which was being driven by Neeraj Kumar @ Gaggu and wherein Neeraj

Kumar's brother Parvinder Kumar @ Honey (petitioner) was sitting on the front passenger seat and while Jagjit and unknown boy were sitting on the rear seat and the same dashed into them with an intention to kill them. While the complainant Sukhvinder Singh and Harjit Singh fell on the side, Amritpal Singh got stuck under the vehicle and was dragged upto a long distance and who ultimately succumbed to his injuries in PGIMER, Chandigarh.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is highly unlikely that the complainant would have been in a position to recognize the occupants of vehicle during night time when the complainant and others would have infact been blinded by the headlights of the Innova vehicle, which is alleged to have come from the opposite side. Learned counsel has further submitted that, in any case, even if the allegations as levelled in the FIR are taken to be correct, it would at best be a case against the co-accused Neeraj Kumar @ Gaggu, who is alleged to be driving the Innova vehicle and that the other occupants of the vehicle cannot be held responsible in any manner and cannot be said to have any *mens rea* for commission of the alleged offence. It has further been submitted that, in any case, since identically situated co-accused i.e. other occupants of the car namely Manish Kumar and Ravi Kumar have already been granted bail by this Court, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity on account of grant of bail to co-accused as the petitioner can very safely be held to be sharing common intention with the driver of the offending vehicle inasmuch as he is none else but the real brother of Neeraj Kumar @ Gaggu, who was driving the said vehicle in

question. It has further been submitted that the petitioner happens to be involved in 4 other cases and as such his criminal bent of mind is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 10 months and that not even a single PW out of the cited 24 PWs has been examined till date.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was not at the wheel of the offending vehicle which was being driven by co-accused Neeraj Kumar @ Gaggu. The petitioner has been behind bars for a substantial period of 1 year and 10 months and the conclusion of trial is likely to consume time as not even a single PW out of the cited 24 PWs has been examined so far. Some other identically situated co-accused have already been granted bail and, in these circumstances, the petitioner also deserves the same concession on grounds of parity as it will certainly be debatable as to whether the petitioner also shared any common intention with driver of the vehicle which had hit against the complainant and others leading to death of Amritpal Singh. In these circumstances, further detention will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No