

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

(206)

CRM-M-20402-2021

Date of Decision : October 13, 2021

Pardumen Kumar

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Roopam Jain, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

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.62 dated 20.02.2020 registered under Sections 304 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sadar Yamuna Nagar, Haryana.

Learned counsel for the petitioner submits that the petitioner has been roped in the present case only on the ground that he was found present at the site of the incident when the police arrived and no role has been attributed to the petitioner in any manner so as to involve the petitioner with regard to the allegations alleged in the present FIR. Learned counsel for the petitioner further submits that a similarly situated co-accused namely Sudhir has been granted the benefit of regular bail by this Court while deciding CRM-M-8334 of 2021 on 06.09.2021. Learned counsel for the petitioner further submits that the petitioner is behind the bars since

22.02.2020 and as the charges have been framed and the trial is likely to take some time before it concludes, the petitioner be granted the benefit of regular bail.

Learned counsel for the respondent-State, on the instructions from ASI Rajesh Kumar, submits that in the present case, there is an allegation against the petitioner of giving beatings to the deceased and a *danda* has also been recovered from the petitioner but concedes that a similarly situated co-accused namely Sudhir has been granted the benefit of regular bail by this Court.

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

Once, the charges have been framed and a co-accused Sudhir has been granted the benefit of regular bail, same concession cannot be denied to the petitioner unless and until any differentiating fact between the petitioner and co-accused, who has been extended the benefit of regular bail is pointed out before this Court so as to deny the benefit of regular bail to the petitioner on the ground of parity.

No differentiating fact between the petitioner and the co-accused Sudhir has been pointed out, by the learned counsel for the respondent-State rather the factum that the allegations alleged against the petitioner and co-accused are similar in nature has been conceded, hence, the petitioner has made out a case for the grant of regular bail on the ground of parity.

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.

October 13, 2021

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No