

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM No. M-22210-2021

Date of Decision : 16.06.2021

Jagmohan Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 123 dated 16.11.2017, under Sections 376, 406, 420 IPC (Sections 25/27/54/59 of Arms Act, 1959 added later on), registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner argues that the petitioner was named in the supplementary statement given by the prosecutrix and a supplementary challan was submitted thereafter naming Gurmeet Singh, Lovekesh Kumar @ Lucky, Prince, Channi and Sarpreet Singh but the petitioner was not named but still he was charge-sheeted alongwith others for the offence. Learned counsel for the petitioner submits that in the statement got recorded by the prosecutrix, she has failed to identify the petitioner as well as other co-accused, namely, Lovekesh Kumar @ Lucky,

Sarpreet Singh, Prince and Channi. Learned counsel further submits that co-accused, namely, Gurmeet Singh has already been granted regular bail by this Court while deciding CRM No. M-19315 of 2021, on 24.05.2021 and, therefore, as the allegations against the petitioner and co-accused Gurmeet Singh were identical, petitioner be also granted the same benefit.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy 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 State counsel very fairly submits that the prosecutrix has failed to identify the petitioner while getting her testimony recorded and further, the allegations against the petitioner and co-accused are similar and co-accused Gurmeet Singh has already been granted the benefit of regular bail.

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

Once, the prosecutrix has not named the petitioner in the supplementary statement and also failed to identify the petitioner in her testimony as an assailant and also keeping in view the fact that co-accused, Gurmeet Singh against whom the similar allegations were alleged, has been granted the benefit of regular bail by a Co-ordinate Bench of this Court while deciding CRM No. M-19315 of 2021, petitioner has made out a case for the grant of regular bail on the ground of parity.

The petitioner is directed to be released on regular bail in this case 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.

June 16, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*