

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM-M-22330-2021

Date of Decision : June 18, 2021

Rakesh Kumar

.. Petitioner

Versus

State of Punjab

.. Respondent

(2)

CRM-M-22978-2021

Surjit Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Dhawan, Advocate, for the petitioner,
(in CRM-M-22330-2021).

Mr. Vikas Cuccria, Advocate, for the petitioner,
(in CRM-M-22978-2021).

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

HARSIMRAN SINGH SETHI J. (ORAL)

By this order, two petitions, which arise out of the same FIR No.3 dated 24.03.2021 registered under Sections, 420, 467, 468, 489-A, 489-B, 489-C, 489-D and 120-B IPC at Police Station State Special Operations Cell, SAS Nagar, District Intelligence Wing (CID), are being decided.

Learned counsel for the petitioners submit that the petitioners have wrongly been involved in the present case and the allegations alleged against the petitioners does not create the ingredients of the Sections of the

IPC, which have been imposed in the present FIR. Learned counsel for the petitioners further submits that the co-accused against whom the similar allegations were alleged, has already been granted the benefit of regular bail by a Coordinate Bench of this Court while deciding CRM-M-20250 of 2021 on 25.05.2021 and therefore, on the ground of parity, the petitioners are also entitled for the grant of bail.

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 counsel for the respondent-State does not dispute that the co-accused has already been granted the benefit of regular bail by a Coordinate Bench of this Court. Learned counsel for the respondent-State concedes that the allegations alleged against the petitioners and the co-accused namely Rajinder Singh, who has been granted the benefit of regular bail by a Coordinate Bench, are similar.

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

Once, the co-accused of the petitioners has been granted the benefit of regular bail, the petitioners cannot be denied the same benefit on the ground of parity unless and until some differentiating facts are brought to the notice of this Court between the petitioners and the co-accused, who has been granted the benefit of regular bail. In this case rather, it has been conceded by the learned counsel for the respondent-State that the allegations against the petitioners and the co-accused namely Rajinder

Singh, who has been granted the benefit of regular bail by a Coordinate Bench, are similar, hence, the benefit extended to the co-accused Rajinder Singh, cannot be denied to the petitioners as well.

Keeping in view the above, the petitioners have made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioners undertakes that petitioners 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 18, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No