

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(205)

CRM No. M-27305-2021

Date of Decision : 22.07.2021

Kala @ Suraj Kamra

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

***CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present:- Mr. Impinder Singh Dhaliwal, Advocate for the petitioner.

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.  
(keeping in view advance copy given)

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**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. 50, dated 09.04.2021, registered under Sections 458, 354, 506, 509, 34 IPC at Police Station Bahawala, District Fazilka.

Learned counsel for the petitioner argues that co-accused, namely, Sheru is the main accused and the allegation alleged against the petitioner is only of helping him out on the date of incident and the main accused, Sheru, has already been granted regular bail by this Court while deciding CRM No. M-24835 of 2021, on 07.07.2021 and hence, on the ground of parity, petitioner is also entitled for the grant of regular bail as the claim of the petitioner is on a better footing than even of the co-accused,

Notice of motion.

Ms. Jaspreet Kaur, learned Assistant 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 does not deny the fact that the main allegations are against the co-accused, Sheru and the said co-accused Sheru has already been granted the benefit of regular bail by this Court while deciding CRM No. M-24835 of 2021, on 07.07.2021.

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

Once, the allegation against the petitioner in the FIR is only of helping out the co-accused Sheru and the said co-accused Sheru has already been granted the benefit of regular bail by this Court while deciding CRM No. M-24835 of 2021, on 07.07.2021, the petitioner also becomes entitled for the grant of regular bail on the ground of parity unless and until any differentiating fact between the petitioner and co-accused Sheru, is brought to the notice of this Court.

Learned State counsel has not been able to point out any differentiating fact between the co-accused, Sheru and the petitioner hence, under these circumstances, 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 has undertaken before this

Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the 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.

**July 22, 2021**  
*kanchan*

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

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