

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CRM-M-32053-2021

Date of Decision : September 02, 2021

Dharamvir Singh @ Dharma

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kunwar Rajan, Advocate, for the petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Custody certificate of the petitioner has been filed by the learned State counsel and the same is taken on record.

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.110 dated 17.06.2021 registered under Sections 399, 402 of the Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of the Arms Act at Police Station City Malout.

Learned counsel for the petitioner submits that co-accused of the petitioner namely Gagandeep Singh @ Gagna, against whom the similar allegations were alleged, has already been granted the benefit of regular bail by this Court while passing order in CRM-M-32844-2021 on 19.08.2021.

Learned counsel for the respondent-State concedes that the petitioner as well as co-accused are similarly situated and the recoveries, which have been effected from the petitioner, were also recovered from the

co-accused Gagandeep Singh @ Gagna, who 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 co-accused, who is similarly situated as the petitioner, has been granted the benefit of regular bail, the petitioner cannot be denied the same benefit on the ground of parity unless and until a differentiating fact between the petitioner and the said co-accused is pointed out. Learned counsel for the respondent-State concedes that rather in the present case, the petitioner and the co-accused are similarly situated.

Keeping in view the said fact, the petitioner has made out a case for the grant of regular bail on account 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.

September 02, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No