

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-33516-2021

Date of Decision : August 24, 2021

Amandeep Singh @ Sahba

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kamal Narula, Advocate, for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

This is fifth petition under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.06 dated 06.02.2020 registered under Sections 380, 457 and 427 of the Indian Penal Code, 1860 (Sections 379-B, 323, 324 IPC added later on) at Police Station Mallwanwala, District Ferozepur.

Learned counsel for the petitioner argues that the co-accused of the petitioner have already been granted bail by this Court and hence, on the ground of parity, the petitioner is also entitled for the grant of regular bail.

Notice of motion.

Mr. Saurav Khurana, 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 concedes that co-accused of the petitioner have already been granted bail by this Court, copies of which orders have been attached collectively as Annexure P-2.

Learned counsel for the respondent-State argues that the petitioner is the master mind and had worked in the said bank at one given point of time and as the evidence is yet to be recorded, it is likely that the petitioner might influence the trial.

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

Once, it is conceded by the learned State counsel that co-accused of the petitioner have already been granted regular bail, the claim of the petitioner for the grant of bail is based upon parity. The denial of bail to accused on the ground of parity can only be done in case, there are differentiating facts between the accused and co-accused, who have been extended the benefit of bail.

In the present case, learned counsel for the respondent-State has only submitted that the petitioner is the master mind. The said factual assertion that the petitioner is the master mind, will be proved during the trial. In respect of the argument that the prosecution witnesses are yet to be examined, as the prosecution witnesses in the present case are all officials, influencing them is only an apprehension at this stage as nothing has been brought on record to prove the same.

Even otherwise, learned counsel for the petitioner has undertaken before this Court the petitioner will not influence the trial or the witnesses in any manner. In case, the said undertaking is violated by the petitioner in any manner, the respondent-State is free to approach the

appropriate forum bringing out the said fact with the evidence so as to reconsider the present order.

Keeping in view the above, as the other co-accused have already been granted the benefit of bail, on the ground of parity, the petitioner is also extended the concession of regular bail.

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.

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.

August 24, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No