

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-37037-2021

Date of decision: - 11.11.2021

Sandeep

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view of the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

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.153 dated 18.09.2020, registered under Sections 323, 324, 341, 506, 148, 149 and 34 IPC (Section 307 of the IPC added later on), at Police Station Punjab Agriculture University (PAU), Ludhiana.

Learned counsel for the petitioner argues that the petitioner has only been attributed injury by bat on the left leg of the victim and injury No.1, which has been declared dangerous to life, is attributed to co-accused, namely, Jagdish. Learned counsel for the petitioner further argues that co-accused, namely, Ajay, has already been granted the

concession of regular bail by a Co-ordinate Bench of this Court while deciding CRM-M-27687-2021 on 26.07.2021 and the allegations against the petitioner as well as co-accused, namely, Ajay are similarly placed as none of them has inflicted injury No.1, which was declared as dangerous to life for which Section 307 of the IPC has been added to the FIR.

Notice of motion.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes that the only injury attributed to the petitioner is on the left leg of the victim and injury No.1, which has been declared as dangerous to life is attributed to co-accused, namely, Jagdish. Learned State counsel further concedes that the similarly situated co-accused, namely, Ajay has already been granted the concession of regular bail.

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

In the present case, the challan has already been presented after completion of the investigation. The injury attributed to the petitioner is only on the non-vital part of the body of the victim and injury No.1, which was declared as dangerous to life, is attributed to co-accused, namely, Jagdish. Further, once a similarly situated co-accused, namely, Ajay has been extended the benefit of regular bail, the same benefit cannot be denied to the petitioner unless and until any fact differentiating the petitioner and co-accused, namely, Ajay is brought to the notice of

this Court so as to deny the said benefit to the petitioner. In the present case, learned State counsel has conceded that the allegations against the petitioner and co-accused, namely, Ajay are similarly placed.

Keeping in view the above, the petitioner has 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 petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, the State/complainant 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.

(HARSIMRAN SINGH SETHI)
JUDGE

November 11, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No