

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRR No. 1089 of 2021 (O&M)
Date of Decision : 16.11.2021

Mithlesh Kumar

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Krishan Singh, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

CRM No. 32140 of 2021

Application is allowed, as prayed for.

CRR No. 1089 of 2021

Present petition has been filed for the grant of bail to the petitioner in respect of FIR No. 62 dated 20.02.2020 registered under Sections 304 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sadar Yamuna Nagar, Haryana.

Learned counsel for the petitioner argues that the allegations against the petitioner are that he along with the other persons had beaten the deceased, which ultimately resulted into the death of the victim. The petitioner, who is stated to be juvenile at the time of the allegation alleged

against him, has been denied the benefit of regular bail by the authorities concerned, which action has been impugned in the present petition. Learned counsel for the petitioner submits that the similarly situated co-accused, Pardumen Kumar and Sudhir have already been extended the benefit of regular bail by this Court and, therefore, on the ground of parity, petitioner is also entitled for the said concession.

Notice of motion.

Mr. Gagandeep Singh Chhina, learned Assistant Advocate General, Haryana, 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 very fairly submits that the allegations against the petitioner and co-accused Pardumen Kumar and Sudhir are similar in nature and both the co-accused have already been extended the benefit of regular bail by this Court.

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

Once, similarly situated co-accused have been extended the benefit of regular bail, the petitioner also becomes entitled for the said concession on the ground of parity unless and until any differentiating facts between the petitioner and the co-accused are pointed out. In the present case, rather than pointing out the differentiating facts between the petitioner and co-accused Pardumen Kumar and Sudhir, the State has conceded that the allegations alleged against the petitioner are similar to that against co-accused, who have been extended the benefit of regular bail.

That being so, on the ground of parity, petitioner has made out a case for the grant of regular bail, especially, when 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.

The petitioner is directed to be released on regular bail in this case 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.

Present criminal revision petition is allowed in above terms.

November 16, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No