

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(203)

CRM-M-41316-2020

Date of Decision: January 06, 2021

Dishan

.. Petitioner

Versus

Union Territory, Chandigarh

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek Kathuria, Advocate, for the petitioner.

Mr. Rajeev Anand, Addl. P.P., for U.T., Chandigarh.

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.173 dated 21.10.2019, under Sections 147, 149, 324, 307 and 506 IPC registered at Police Station Maloya, Chandigarh.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is behind bars for the last about one year and seven days. Learned counsel for the petitioner further submits that co-accused namely Paras, who has also been attributed similar injuries, has already been granted regular bail by this Court on 12.11.2020 while deciding CRM-M-36526-2020 and another co-accused namely Saved @ Savid @ Shabid has also been granted bail by the Court of Additional Sessions Judge, Chandigarh on 20.11.2020.

Learned counsel appearing on behalf of the respondent-Union Territory, Chandigarh fairly concedes that the role, which has been attributed to the petitioner in the FIR, is similar to that of co-accused Paras as both of them inflicted injuries upon the complainant. Learned counsel for the respondent-U.T., Chandigarh also does not dispute that co-accused namely Saved @ Savid @ Shabid has also been granted the regular bail by the Additional Sessions Judge, Chandigarh.

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

Once, it is conceded that the nature of injuries inflicted upon the complainant by the petitioner and co-accused Paras are similar and co-accused Paras has been granted bail by this Court, the petitioner also becomes entitled for the grant of regular bail on the basis of parity unless and until any differentiating fact between the petitioner and co-accused Paras is pointed out. In the present case, nothing has been pointed out, which will disentitle the petitioner the benefit of regular bail, which benefit has already been granted to co-accused Paras by this Court. The order passed by this Court in the case of co-accused Paras is as under:-

“1. The present petitioner has been filed under Section 439 of the Cr.P.C. by the petitioner, for grant of regular bail in case FIR No.173 dated 21.10.2019, under Sections 147, 149, 324, 307, 506 IPC, registered at Police Station Maloya, Chandigarh.

2. The petitioner by now has remained in detention for more than 10 months since his arrest from 31.12.2019.

3. After completion of investigation, challan has already been submitted against him on 01.07.2020 but the trial is yet to commence. Charges have not yet been framed.

4. After perusal of the impugned order passed by the learned Additional Sessions Judge, Chandigarh (Annexure P-2), this Court had put a query to Ld. counsel appearing for the U.T., Chandigarh, regarding the nature of injuries suffered by the victim. But Ld. State counsel submits that the final report in this regard still could not be collected as the concerned Medical Officer had resigned and left the job and now a new Medical Board has been constituted to re-consider the nature of injuries.

5. Be that as it may, considering the long detention undergone by the petitioner and the fact that his custody is not required for the purpose of investigation and in the prevailing situation there is no likelihood of expeditious completion of trial, at this stage without commenting upon the other merits of the case and keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, he is ordered to be released on bail subject to the satisfaction of the Lt. Trial Court/Duty Magistrate concerned.

6. Disposed off.”

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, 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.

January 06, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No