

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CRM-M-45760-2021 (O&M)

Date of Decision : November 08, 2021

Shunty

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurabh Sharma, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-36749-2021

As prayed for, the application is allowed.

CRM-M-45760-2021

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.217 dated 06.06.2021 registered under Section 379-B of the Indian Penal Code, 1860 at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner has been involved in the present case without there being any illegality committed by him. Learned counsel for the petitioner further submits that now, even the complainant has stated that the petitioner was not the one, who had snatched the money and the affidavit has been given by the complainant that the petitioner has not committed illegal act on the basis of

which the FIR in question was registered. Learned counsel for the petitioner further submits that similarly situated co-accused Ravi has already been extended the benefit of bail by this Court and therefore, the the petitioner be also extended the said benefit on the ground of parity.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana., who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State does not dispute that the allegations against the petitioner and co-accused Ravi, are similar in nature and on the basis of similar affidavit given by the complainant, co-accused Ravi has already been extended the benefit of bail by this Court in CRM-M-36426-2021.

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

Once the complainant is disputing the identity of the petitioner now and on the basis of the said factual aspect, co-accused namely Ravi has already been extended the benefit of bail, the same benefit cannot be denied to the petitioner.

Learned counsel for the respondent-State has conceded that the allegations against the petitioner and co-accused Ravi are similar in nature.

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.

November 08, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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