

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM No. M-47966-2021

Date of Decision : 23.11.2021

Rohit

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 10 dated 11.01.2021, registered under Sections 399, 402 and 420 IPC at Police Station Sadar Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner submits that along with the petitioner, one Akshay was also made co-accused, who has already been extended the benefit of regular bail by this Court on 02.11.2021. Learned counsel for the petitioner further submits that as the allegations against the petitioner as well as co-accused Akshay are similar, therefore, on the ground of parity, the petitioner be also granted the same benefit.

Notice of motion.

Mr. Karan Garg, 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 does not dispute the factum that co-accused Akshay has already been granted the benefit of regular bail by this Court as well as that the allegations against the petitioner and co-accused Akshay are similar in nature.

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

Once, a co-accused has already been granted the benefit of regular bail, the petitioner, if similarly situated, cannot be denied the same benefit. In the present case, learned State counsel on instructions from ASI Babu Lal has conceded that the allegations alleged against the petitioner as well as co-accused Akshay are similar in nature. That being so, the petitioner has made out a case for the grant of regular bail on the ground of parity.

The petitioner is directed to be released on regular bail in this case 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 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*