

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CRM No. M-50578 of 2021
Date of Decision : 07.12.2021

Kashmiri

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Satbir Singh Kanwar, 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. 17 dated 13.01.2021, registered under Sections 302, 120-B, 201, 202, 34 IPC at Police Station Azad Nagar, Hisar.

Learned counsel for the petitioner argues that co-accused, namely, Krishan, who is similarly situated as the petitioner, has already been granted the benefit of regular bail by this Court while deciding CRM No. M-45874 of 2021 on 08.11.2021 and, therefore, on the ground of parity, petitioner is also entitled for the grant of same benefit. Learned counsel for the petitioner submits that the witnesses, who have already been examined, have not supported the prosecution version, due to which, co-accused has already been extended the benefit of regular bail and as the allegations alleged against the petitioner as well as co-accused Krishan are similar in nature, therefore, on the ground of parity, petitioner is also entitled for the

grant of regular bail.

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 concedes the factum that the allegations against the petitioner and co-accused, Krishan are similar in nature and the said co-accused Krishan has already been extended the benefit of regular bail keeping in view the fact that as of now, the witnesses have not supported the prosecution version though, the guilt or the innocence of the petitioner and other co-accused will be decided on the basis of the complete evidence, which will come on record.

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

Once, it is not disputed that the allegations against the petitioner as well as co-accused Krishan, who has been extended the benefit of regular bail, are similar in nature and that some of the prosecution witnesses, who have been examined upto now, have not supported the prosecution version though, the guilt or the innocence of the petitioner and the other accused is to be decided on the basis of complete evidence, which will come on record during trial, the petitioner has made out a case for the grant of regular bail on the ground of parity with co-accused Krishan.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned, if not required to be retained in any other case.

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.

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.

December 07, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *Yes*