

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(244)

CRM-M-1134-2022

Date of Decision : January 18, 2022

Suveb

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Gulia, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI J. (ORAL)

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.546 dated 25.07.2021 registered under Sections 34, 379-A and 392 of the IPC, 1860 (Section 201 IPC added later on) at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner argues that the allegations against the petitioner and co-accused Sarik are similar in nature and co-accused Sarik has already been extended the concession of regular bail by this Court while deciding CRM-M-53074-2021 dated 23.12.2021 and therefore, on the ground of parity, the petitioner may also be extended the said concession.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the instructions from ASI Sabit, very fairly concedes that the allegations against the petitioner and co-accused Sarik are similar in nature and co-accused Sarik has already been granted the concession of regular bail.

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

It is a conceded position that the allegations against the petitioner and co-accused Sarik are similar in nature and co-accused Sarik has already been extended the benefit of regular bail, hence, the petitioner cannot be denied the similar concession of regular bail unless and until any differentiating fact between the petitioner and co-accused is pointed out so as to deny him the parity in extending the concession of bail. In the present case, nothing has been produced before this Court to differentiate the case of the petitioner with that of co-accused Sarik. That being so, the petitioner has made out a case for the grant of regular bail on the ground of parity.

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 18, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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