

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(229)

CRM No. M-2601-2022 (O&M)
Date of Decision : 28.01.2022

Raj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view the advance copy given)

Harsimran Singh Sethi J. (Oral)

CRM-1920-2022

As prayed for, the application is allowed.

CRM-M-2601-2022

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. 13 dated 31.01.2019 registered under Sections 394, 452, 336, 148, 149 and 34 of the IPC, 1860 (Sections 379 and 411 IPC added later on) at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and has been roped in the present FIR only on the basis of the disclosure statement of the other co-accused and all the other

co-accused have already been extended the concession of regular bail and therefore, on the ground of parity, the petitioner may kindly be extended the concession of regular bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, 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 concedes the factum that the petitioner was not named in the FIR and has been roped in the present case on the basis of the disclosure statement of the co-accused and the other co-accused have already been extended the concession of regular bail by the Co-ordinate Bench of this Court in various orders passed.

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

Keeping in view the fact that the petitioner is not named in the FIR but has been roped in the present case on the basis of the disclosure statement of the other co-accused and all the other co-accused, against whom the similar allegation are alleged, have already been extended the concession of regular bail, the petitioner has made out a case for the grant of regular bail on parity as no differentiating fact between the petitioner and the other co-accused, to whom the regular bail has already been extended, is pointed out before this Court.

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 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.

January 28, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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