

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CRM-M-3579-2022

Date of Decision : February 02, 2022

Pawan Kumar @ Gautam

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasraj Singh, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(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.36 dated 05.03.2021 registered under Sections 304 and 34 of the IPC, 1860 at Police Station Bhogpur, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has been roped in the present case on the basis of suspicion and the circumstantial evidence only but even after the investigation, nothing has come on record to connect the petitioner with any role played in respect of the death of the deceased namely Rohit Pabla. Learned counsel for the petitioner further submits that the death of the deceased was due to the consumption over dose of the drug and the petitioner has only been

involved on the basis of suspicion being friends with the deceased. Learned counsel for the petitioner further submits that similarly situated co-accused namely Aman Kumar @ Mogli has already been granted concession of regular bail while passing order in CRM-M-51759-2021 and therefore, on the ground of parity, the petitioner may also be extended the benefit 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 co-accused namely Aman Kumar @ Mogli, who is also facing similar allegations as being faced by the petitioner, has been granted the benefit of regular bail by this Court while passing order in CRM-M-51759-2021 on 12.01.2022.

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 similarly situated co-accused namely Aman Kumar @ Mogli has already been extended the benefit of regular bail and nothing has been pointed out to differentiate the case of the petitioner with the said co-accused, the petitioner has made out a case for the grant of regular bail on the ground of parity. Even otherwise, as the petitioner is behind the bars for the last 11 months and the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial as the

petitioner undertakes before this Court not to influence the trial or the witnesses in any manner.

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.

February 02, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes
Whether reportable? : Yes