

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM -M -4781-2022

Date of Decision : February 10, 2022

Sukhchain Singh @ Chaina

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laghuinder Singh Sekhon, 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.144 dated 31.10.2021 registered under Sections 379-A, 467, 468, 471, 472, 411, 420 and 34 of the IPC at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioner submits that in the present case, the petitioner was involved along with another co-accused namely Anwar Khan. Learned counsel for the petitioner further submits that as the investigation is already over and challan has already been presented and the co-accused Anwar Khan has already been extended the concession of regular bail, the petitioner may also be extended the said concession on the ground of parity.

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 State counsel concedes the factum that investigation in the present case is over and the challan has been presented as well as the fact that co-accused Anwar Khan has already been extended the benefit of regular bail but submits that as the petitioner is involved in other case also, he is likely to get involved in the same illegal activities again in case the petitioner is granted regular bail and therefore, the prayer of the petitioner for the grant of regular bail, may kindly be rejected.

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 investigation is already over and the challan has been presented and the co-accused Anwar Khan, against whom the similar allegations have been alleged, has already been extended the benefit of regular bail, the petitioner has made out a case for the grant of regular bail on the ground of parity.

As far as arguments of the learned State counsel that the petitioner is likely to get involved in similar illegal activities again if extended concession of bail, nothing has been produced before this Court as of now to substantiate the said apprehension.

As the petitioner has undertaken before this Court to maintain good conduct and also that he will not influence the trial or the witnesses in any manner, the benefit to the petitioner cannot be declined on the

apprehension that in case, the petitioner is extended the concession of regular bail, he will misuse the same.

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.

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 10, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes