

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-4963 of 2022

Date of Decision : 11.02.2022

Mohd. Aftab Khan @ Aayan Khan

....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Varun Katyal, Advocate for the petitioner.

Mr. Akashdeep Singh, Addl. P.P., U.T. Chandigarh.
(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. 142 dated 16.09.2021, registered under Section 387, 507, 120-B IPC (Sections 466, 467, 468, 471 IPC) at Police Station Central Sector-17, Chandigarh.

Learned counsel for the petitioner argues that the allegations in the present case is that the complainant has received a threatening call from a mobile number, which is registered in the name of the petitioner. Learned counsel for the petitioner submits that along with the petitioner, another person, namely, Shambhu Patel, has also been involved as a co-accused alleging similar allegation and a Co-ordinate Bench of this Court while passing order in CRM No. M-46548 of 2021 on 05.01.2022, has already extended the concession of regular bail to the said co-accused and,

therefore, on the ground of parity, the petitioner is also entitled for the same coupled with the fact that challan has already been presented and the trial is likely to take some time before it concludes and no useful purpose will be achieved in keeping the petitioner behind bars during the entire period of trial.

Notice of motion.

Mr. Akashdeep Singh, learned Additional P.P., U.T. Chandigarh, 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-U.T.

Mr. Gaurav Dutta, Advocate, who has also joined the proceedings through video conference, appears on behalf of the complainant.

Learned State counsel concedes the factum that investigation is over and the challan has been presented and the co-accused, namely, Shambhu Patel, has been extended the concession of regular bail.

Learned counsel appearing on behalf of the complainant also concedes the factum that co-accused, namely, Shambhu Patel, has been extended the concession of regular bail while passing order in CRM No. M-46548 of 2021, on 05.01.2022.

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

Keeping in view the fact that a co-accused, against whom also, the similar allegations have been alleged, has already been extended the concession of regular bail, the petitioner also becomes entitled for the same

on the ground of parity, especially, when no differentiating facts between the petitioner and the co-accused, namely, Shambhu Patel, have been brought to the notice of this Court so as to deny the said benefit coupled with the fact that the trial is likely to take some time before the same concludes keeping in view the restricted working of the Courts due to pandemic of Covid-19 and no useful purpose will be achieved in keeping the petitioner behind bars during the entire period of trial as learned counsel for the petitioner has assured this Court that in case the concession of regular bail is extended to the petitioner, he will not misuse the same by influencing the trial or the witnesses in any manner.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned including the feasibility of a local surety to secure his presence.

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 11, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No