

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM-M-4842-2022

Date of Decision : February 10, 2022

Som Raj @ Sanju

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravi Malhotra, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, 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.0036 dated 05.03.2021 registered under Sections 304 and 34 of the IPC, 1860 at Police Station Bhogpur, District Jalandhar Rural.

Learned counsel for the petitioner submits that in the present case, the petitioner has been involved on the basis of the circumstances as well as the apprehensions being raised by the complainant. Learned counsel for the petitioner further submits that the son of the complainant was found dead due to the drug over dose and the petitioner has wrongly been involved in this case. Learned counsel further submits that co-accused namely Aman Kumar @ Mogli, who is similarly situated as the petitioner as keeping in

view the allegations are concerned, has already been extended the concession of regular bail by this Court while passing order in CRM-M-51759-2021, hence, on the ground of parity, the petitioner be also extended the same concession.

Notice of motion.

Mr. Sandeep Singh Deol, 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 State counsel concedes the factum that the investigation is already over and the challan has been presented as well as the fact that co-accused Aman Kumar @ Mogli, who is similarly situated as the petitioner as far as the allegations are concerned, has already been extended the concession of regular bail.

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

Keeping in view the fact that co-accused Aman Kumar @ Mogli, who is similarly situated as the petitioner as far as the allegations are concerned, has already been granted the benefit of regular bail and the trial is likely to take some time before it concludes keeping in view the restricted working of the Courts due the pandemic of Covid-19, no useful purpose will be achieved in keeping the petitioner behind the bars as the petitioner has been able to make out a case for the grant of regular bail on the ground of parity especially when learned counsel for the petitioner has undertaken before this Court in case, the petitioner is extended the benefit of regular bail, he will not influence the trial or the witnesses in any manner.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

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 10, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes