

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM -M -22986-2021

Date of Decision : February 10, 2022

Arvinder Singh @ Mittha Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohan Singh Chauhan, 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.0007 dated 07.02.2019 registered under Section 25 of the Arms Act, 1959 and Sections 10, 13, 15, 16, 17, 18 and 18-B of the Unlawful Activities (Prevention) Act, 1967 (Section 120-B IPC added later on) at Police Station P.S. Balachaur, District SBS Nagar, Punjab.

Learned counsel for the petitioner submits that in the present case, the main allegations are against the co-accused Gurdeep Singh @ Deep @ Chota Kutra and the said co-accused Gurdeep Singh @ Deep @ Chota Kutra has already been extended the concession of regular bail by a Coordinate Bench of this Court while passing the order in CRM-M-2893-

2020 and thereafter, other co-accused, who are similarly situated as the petitioner namely Mohammad Shareef as well as Jaspreet Singh @ Jassi, have also been extended the said concession of regular bail keeping in view the fact that the main accused Gurdeep Singh @ Deep @ Chota Kutra has already been extended the benefit of regular bail. Learned counsel for the petitioner further submits that as the petitioner is similarly situated as Mohammad Shareef and Jaspreet Singh @ Jassi in respect of the allegations alleged, the petitioner, on the ground of parity, may also be extended the benefit of regular bail.

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 submits that the allegation against the petitioner is that it is on the asking of the petitioner, the main accused Gurdeep Singh @ Deep @ Chota Kutra went to Delhi to get firearm though, learned State counsel concedes that the said main accused, Gurdeep Singh @ Deep @ Chota Kutra has already been extended the concession of regular bail and the other two accused namely Mohammad Shareef and Jaspreet Singh @ Jassi who are similarly situated as the petitioner in respect of the allegation, have also been extended the benefit of regular bail on the ground of parity.

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

Keeping in view the fact that all other co-accused have been granted the concession of regular bail especially the main accused Gurdeep Singh @ Deep @ Chota Kutra, who was granted the concession of regular bail by the Coordinate Bench of this Court and that nothing has been pointed out to differentiate the case of the petitioner with that of the other co-accused, who have already been extended the concession of regular bail so as to deny the said benefit to the petitioner, the petitioner has made out a case for the grant of regular bail on the ground of parity.

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