

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.21430 of 2022
Date of Decision:-01.08.2022**

Raj Kumar @ Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Bikram Chaudhary, Advocate
for the petitioner.

Dr. Kiran Pal Singh, AAG, Haryana.

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 respect of FIR No. 244 dated 31.05.2019 under Sections 302, 148, 149, 341 and 120-B IPC and Section 25/54/59 of Arms Act, registered at Police Station Kaithal City, District Kaithal.

Learned counsel for the petitioner argues that during the evidence produced on record so far in the trial, it has come in the statement of the doctor, who had conducted the post-mortem that the injuries suffered by the deceased were with the sharp edged weapon, whereas, as per the allegations alleged against the petitioner in the FIR, only fist blows has been attributed to the petitioner. Learned counsel for the petitioner submits

that the similar fist blows were attributed to the co-accused Sandeep @ Sunny also, who has already been extended the concession of regular bail while passing the order in Criminal Misc. No. M-11305 of 2022. Learned counsel for the petitioner submits that keeping in view the above, the petitioner, who is similarly situated as co-accused Sandeep @ Sunny be extended the concession of regular bail on the ground of parity.

Learned State counsel submits that though, as per the allegations, fist blows has been attributed to the petitioner but a life has been lost and the petitioner was part of the unlawful assembly. Learned State counsel concedes the factum that the co-accused, namely, Sandeep @ Sunny, to whom also fist blows were attributed, 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 the injuries, which were received by the deceased, were with the sharp edged weapon and as per the material that has come on record till now, no sharp edged injury has been attributed to the petitioner, as well as the fact that as of now the inflicting of fist blows as attributed to the petitioner is yet to be proved during the trial, coupled with the fact that similarly situated co-accused, namely, Sandeep @ Sunny has already been extended the concession of regular bail, 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.

August 01, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No