

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM No. M-32404-2022

Date of Decision : 01.08.2022

Harish alias Monty

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Dinesh Mahajan, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Deputy Advocate General, Punjab.

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. 0017 dated 02.03.2021, registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner further argues that co-accused, namely, Joginder Pal against whom the similar allegations have been alleged, has already been extended the concession of regular bail by a co-ordinate bench of this Court while passing order in CRM No. M-52798 of 2021 hence, on the ground of parity, petitioner be also extended the concession of regular bail.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, learned

Deputy Advocate General, Punjab,, who is present in Court, accepts notice

on behalf of the respondent-State.

Learned State counsel concedes the factum that the allegations against the petitioner and co-accused, Joginder Pal, are similar in nature. It is also conceded by learned State counsel that co-accused, Joginder Pal has been granted the concession of regular bail by a co-ordinate bench of this Court on 19.07.2022 while passing order in CRM No. M-52798 of 2021.

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

Once, it is conceded that the allegations against the petitioner and co-accused, Joginder Pal are similar in nature and Joginder Pal has already been extended the concession of regular bail by the co-ordinate bench of this Court, the same benefit cannot be denied to the petitioner unless and until any differentiating fact between the petitioner and the co-accused has been brought to the notice of this Court. As no differentiating fact between the petitioner and co-accused, Joginder Pal has been brought to the notice of this Court, petitioner has made out a case for the grant of regular bail on the ground of parity.

The petitioner is directed to be released on regular bail in this case 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.

August 01, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No