

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

CRM-M-44608-2021 (O&M)
Date of decision : 23.02.2022

Abhishek @ Abhi

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Viney Phogat, DAG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.118 dated 27.05.2020 under Sections 302, 323, 354-D, 452, 148, 149 of the Indian Penal Code, 1860 (IPC) registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioner would contend that the first petition being CRM-M-38154-2020 was dismissed, vide a speaking order on 18.01.2021. Learned counsel for the petitioner would further contend that the change in circumstances since the dismissal of the first petition is that most of the accused in the present case have since been granted bail by this Court and in this regard he has referred to the orders dated 24.08.2021, 27.08.2021 and 27.09.2021 (Annexures P-7 to P-9) passed in **CRM-M-6671-2021**, **CRM-M-34108-2021** and **CRM-M-39016-2021**, respectively.

Learned counsel for the petitioner would contend that no overt act has been attributed to the present petitioner. He would further contend that the victim, namely, Sunita died of head injury which was suffered by her as a result of a brick being thrown upon her by the co-accused, namely, Vishal. The petitioner has been in custody since 03.06.2020.

Status report by way of an affidavit of Sh. Parmod Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar has been filed on behalf of the respondent-State. Learned counsel for the State on instructions from ASI Parveen is not in a position to deny the fact that the similarly situated co-accused have already been granted bail by this Court vide orders dated 24.08.2021, 27.08.2021 and 27.09.2021 (Annexures P-7 to P-9) passed in CRM-M-6671-2021, CRM-M-34108-2021 and CRM-M-39016-2021, respectively.

Heard.

In view of the above and keeping in view the fact that the similarly situated co-accused have since been granted bail by this Court vide orders dated 24.08.2021, 27.08.2021 and 27.09.2021 (Annexures P-7 to P-9) passed in CRM-M-6671-2021, CRM-M-34108-2021 and CRM-M-39016-2021, respectively, on the ground of parity, the petitioner would also be entitled to grant of regular bail. Resultantly, without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

23.02.2022

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO