

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-41193-2022 (O&M)

Date of Decision: 23.09.2022

Mukesh @ Sodhi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Sandeep Singh Maan, Addl. AG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

CRM-33584-2022

The application is allowed as prayed for.

Main Case

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.347 dated 16.06.2019 registered under Sections 148, 149, 323, 506, 302, 120-B of IPC at Police Station City Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner argued that the petitioner is behind bars since 21.06.2019 and the material witnesses such as the complainant and other alleged eye-witnesses have already been examined and as of now, nothing has come on record to connect the petitioner with the allegations being alleged against him.

Learned counsel for the petitioner further submits that in the present case, there are total 11 accused out of which, 6 accused have already been granted the concession of regular bail.

Learned counsel submits that the allegations being alleged against the petitioner are identical to that of co-accused Shiv Dayal @ Dayal,

who has also been granted the concession of regular bail by the Coordinate Bench of this Court while passing the order in CRM-M-37818-2022 decided on 31.08.2022. Hence, the petitioner being similarly situated as Shiv Dayal be also extended the benefit of bail on the ground of parity.

Learned State counsel does not dispute the fact that the petitioner is behind bars since 21.06.2019. It is also not disputed that the material witnesses have already been examined in the present case including the complainant and the alleged eye-witnesses.

Learned State counsel submits that though as of now, nothing has come on record to connect the petitioner with the allegation, but, the culpability or the innocence of the petitioner will only be assessed on the basis of the complete evidence, which will come on record. Hence, the claim of the petitioner that he is innocent may kindly be declined so as to grant him concession of regular bail.

Learned State counsel concedes that six co-accused have been granted the concession of regular bail including co-accused Shiv Dayal who is similarly situated as the petitioner. He further submits that the petitioner is involved in other FIRs as well. Hence, the claim of the petitioner for the grant of regular bail may kindly be declined on this ground alone.

Learned counsel for the petitioner submits that though, there are other cases pending against the petitioner but he is already on bail in those cases and the co-accused Shiv Dayal who is also involved in other cases, has already been extended the concession of bail.

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

Keeping in view the facts and circumstances which have been

noted hereinbefore, that the petitioner is behind bars for the last more than three years and out of total 39 witnesses, only 7 have been examined so far and the trial is likely to take some time to conclude, coupled with the fact that similarly situated co-accused have already been granted the concession of regular bail, the petitioner made out a case for the grant of regular bail especially when the material witnesses have already been examined.

Learned counsel for the petitioner has undertaken that in case, the petitioner is given the concession of regular bail, he will not misuse the same either to influence the trial or any witnesses in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

The petition is allowed.

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.

23.09.2022
manju

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No