

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM-M-50962-2021

Date of Decision : January 07, 2022

Mahesh

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Prikshit Yadav, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

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.10 dated 11.01.2021 registered under Sections 399, 402 and 420 of the Indian Penal Code, 1860 at Police Station Sadar Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner argues that similarly situated co-accused Akshay has already been extended the concession of regular bail by this Court while passing order in CRM-M-45075-2021 on 02.11.2021 (Annexure P-3). Learned counsel for the petitioner submits that all the prosecution witnesses have already been examined but still, keeping in view the restricted working of the Courts due to the pandemic of Covid-19, as the

trial is likely to take some time before it concludes, the petitioner may kindly be extended the benefit of regular bail.

Learned counsel for the respondent-State concedes the factum that the allegations alleged against the petitioner and co-accused Akshay are similar in nature as well as that the prosecution witnesses have already been examined.

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

Once, the similarly situated co-accused Akshay has already been granted the concession of regular bail by this Court, the petitioner also has a similar right for the said concession unless and until any differentiating fact between the petitioner and the co-accused is pointed out. In the present case, nothing has been pointed out to differentiate the allegations alleged upon the petitioner as well as co-accused Akshay, to whom the concession of regular bail has already been granted. Further, all the prosecution witnesses have already been examined and therefore, it cannot be said that in case, the petitioner is extended the concession of regular bail, the petitioner will influence the trial or the witnesses in any manner.

Keeping in view the facts and circumstances of the present case, the petitioner has made out a case for the grant of regular bail.

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.

January 07, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes/No
Whether reportable? : Yes/No