

208 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52861-2021

Date of Decision: 03.02.2022

Ajay Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kuldip Singh, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking regular bail in FIR No.6, dated 28.01.2020, under Sections 399 & 402 and Section 25 of the Arms Act (Section 411 of the IPC added later on), registered at Police Station Sadar Abohar, District Fazilka.

Learned counsel for the petitioner submits that in the present FIR, five accused persons have been roped in, out of whom, two accused persons, namely Lakhwinder Singh @ Lucky and Sunil Kumar, against whom also the similar allegations have been alleged in the FIR, have already been extended the concession of regular bail by the co-ordinate Benches of this Court, while passing the orders dated 23.07.2020 and 09.06.2020 in CRM-M-17756-2020 and CRM-M-13125-2020, respectively, hence the petitioner, who is also similarly situated be extended the concession of regular bail on the ground of parity, especially in view of the

fact that the challan has already been presented in the present case and the

trial is likely to take some time to conclude due the restrictive working of the Courts in view of the Covid-19 pandemic.

Learned State counsel concedes the factum that out of the five accused persons, two accused persons have already been extended the concession of regular bail by the co-ordinate Benches of this Court, as well as the fact that the allegations alleged against the petitioner and the co-accused persons, who have been extended the concession of regular bail, are similar in nature.

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

The prayer of the petitioner for grant of regular bail is based upon parity. Once one of the co-accused persons has already been granted the concession of regular bail, the same has to be extended to the other co-accused, in case both the accused persons are similarly placed. In the present case, the learned State counsel has conceded the factum that the allegations alleged against the petitioner as well as co-accused persons, namely Lakhwinder Singh @ Lucky and Sunil Kumar, are similar in nature.

Keeping in view the above, the petitioner has made out a case for 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.

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.

The present petition is disposed of.

03.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes
2. Whether reportable: No