

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

209

CRM-M-53607-2021

Date of decision : 07.01.2022

UMED

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.423 dated 07.09.2019 under Sections 120-B, 302, 364 and Section 34 of IPC, registered at Police Station City Gohana, District Sonipat.

Learned counsel for the petitioner argues that not only the co-accused, against whom, the similar allegations have been alleged has been granted concession of regular bail by the co-ordinate Bench of this Court in CRM-M-43221 of 2021 vide order dated 11.11.2021 (Annexure P-5), but even otherwise, the material prosecution witness including the complainant and the mother of the deceased have not supported the prosecution version and therefore, as the trial is likely to take some time before it concludes, the petitioner may kindly be extended the concession of regular bail.

The learned State counsel concedes the factum that co-accused namely, Banti has already been extended the concession of regular bail as

well as that the material witnesses examined so far, have not supported the prosecution version. Learned State counsel submits that though the innocence and guilt of the petitioner will be determined at the end of the trial keeping in view the complete evidence which will come on record. Learned State counsel submits that though the allegations alleged against the petitioner as well as the co-accused Banti, are of conspiracy in committing the crime but the gravity in case of the petitioner is more being father of the deceased.

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

Once, the allegation alleged against the petitioner is only of conspiracy and another co-accused namely, Banti, against whom the similar allegations of conspiracy have been alleged, has already been extended the concession of regular bail by the co-ordinate Bench of this Court, the concession extended to co-accused Banti cannot be denied to the petitioner on the ground of parity. Nothing material has been brought to the notice of this Court to point out that the petitioner is not similarly situated as Banti as of now. Further, though the innocence or the guilt of the accused will be determined at the end of the trial on the basis of the complete testimony/evidence which will come on record, and as the material witnesses have already been examined so far, no useful purpose will be achieved in keeping the petitioner behind the bars especially when the learned counsel for the petitioner has undertaken before this Court that in case, the petitioner is extended the concession of regular bail, the petitioner will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this

Court for passing appropriate orders.

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.

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.

(HARSIMRAN SINGH SETHI)
JUDGE

07.01.2022
rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No