

CRM No. M-4930 of 2023 (O&M)

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

(208)

CRM No. M-4930 of 2023 (O&M)

Date of Decision : 06.02.2023

Mandeep Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Navmohit Singh, Advocate for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-4647-2023

Application is allowed, as prayed for.

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The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 224 dated 15.10.2020, under Sections 302, 323, 341, 427, 201, 34 IPC (Section 34 IPC deleted and Section 148, 149 IPC added later on), registered at Police Station Shahzadpur, District Ambala.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and he has been roped in present case on the basis of an averment in the FIR that along with accused Jashan Randhawa, one boy, who belonged to village Santokhi, along with few others came on two motor cycles, who were carrying lathis, dandas and sharp edged weapons and had

attacked the son of the complainant with their weapons. Learned counsel for the petitioner submits that further, the allegation against the co-accused, Jashan Randhawa is that he had hit the victim Talwant Singh with the lathi and the same allegation is alleged qua the “boy from Santokhi”, which is being related to the petitioner. Learned counsel further submits that Jashan Randhawa i.e. co-accused has already been granted the concession of regular bail by the Co-ordinate Bench of this Court while passing order in CRM No. M-31094 of 2022 dated 12.01.2023 and, therefore, the petitioner, who is on better footing than co-accused, Jashan Randhawa, be also granted the concession of regular bail as, no recovery of any weapon has been done from the petitioner.

Notice of motion.

Ms. Vibha Tewari, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the allegation against the petitioner of hitting the victim with lathi is akin with that of co-accused Jashan Randhawa.

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

Keeping in view the fact that a similarly situated co-accused, Jashan Randhawa, has already been extended the concession of regular bail by the co-ordinate bench of this Court while passing order in CRM No. M-31094 of 2022 dated 12.01.2023, the petitioner has also made out a case for the grant of regular bail as no differentiating fact between the petitioner and

co-accused, Jashan Randhawa has been brought to the notice of this Court so as to deny the benefit of regular bail. Rather in the case of co-accused Jashan Randhawa, a mobile phone and motor cycle were recovered from him, whereas nothing has been brought to the notice of this Court that any such recovery was done from the petitioner.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail on the ground of parity, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case 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.

February 06, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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