

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-6868-2023

Date of Decision : February 14, 2023

Gurwinder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Angraze Singh Dhindsa, Advocate, for the petitioner.

Mr. Gurvinder Singh, Assistant Advocate General, Punjab.

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 FIR No. 249 dated 31.10.2021 registered under Sections 307, 324, 323, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner argues that though in the FIR, no specific injury has been attributed to the petitioner but in the order passed by the lower Court rejecting the prayer for regular bail, injury No.7 has been attributed to the petitioner, which injury is simple in nature.

Learned counsel for the petitioner submits that though the earlier bail petition filed by the petitioner was not pressed as the complainant was yet to be examined but as co-accused namely Ram Sharma

@ Ram, against whom more serious allegations have been alleged, has already been extended the concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-26019 of 2022 on 28.10.2022, the petitioner becomes entitled for the grant of bail on the ground of parity.

Notice of motion.

Mr. Gurvinder Singh, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that the injury attributed to the petitioner is simple in nature and the co-accused namely Ram Sharma @ Ram, to whom the grievous injury was attributed, has already been extended the concession of regular bail by the Coordinate Bench of this Court.

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

Once, it is a conceded position that the injury attributed to the petitioner was simple in nature and other co-accused namely Ram Sharma @ Ram, to whom the grievous injury has been attributed, has already been granted the concession of regular bail, the petitioner also becomes entitled for the grant of bail on the ground of parity especially in view of the fact that the allegations alleged against the petitioner are of much less intensity as compared to co-accused Ram Sharma @ Ram.

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.

February 14, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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