

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29525-2022

Date of Decision :01.02.2023

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Ms. Ambika Luthra, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

The 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.27 dated 25.01.2020 registered under Sections 147, 148, 149, 302, 323, 452, 506 and 120-B of the IPC at Police Station IMT Rohtak, District Rohtak.

Learned counsel for the petitioner argues that though an axe has been attributed to the petitioner as weapon but no specific injury has been attributed to him. Learned counsel for the petitioner submits that in the present FIR, there are 16 co-accused, all of whom have been attributed with the weapon but no specific injury has been attributed to them also and they all have been granted the concession of regular bail by the competent Court of law. Learned counsel for the petitioner further submits that once there is no specific injury attributed to the petitioner and the allegations being alleged against him in the FIR are yet to be proved during the trial and the

petitioner is behind the bars for the last 03 years, the petitioner may kindly

be extended the concession of regular bail especially, when all the co-accused have been granted concession of regular bail by the competent Court of law.

Learned State counsel concedes the factum that there are 16 accused in the present case and except the petitioner, all are on bail.

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

The allegations in the FIR show that weapons were attributed by the complainant to the 16 accused but no specific injury has been attributed to any of the accused including the petitioner. The factum that the injury due to which the deceased died was inflicted by the petitioner is yet to be proved during the course of trial and as the similarly situated co-accused have already been extended concession of regular bail, denying the same benefit to the petitioner will create disparity which is not permissible especially, when nothing has been brought to the notice of this Court to differentiate the case of the petitioner with that of co-accused, who have already been granted concession of regular bail by the competent Court of law.

Keeping in view the fact that the petitioner is behind the bars for the last 03 years and the trial is likely to take some time before it concludes, the petitioner has made out a case for the grant of concession of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of 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 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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