

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+203)

CRM-8877-2023 in/and
CRM-M-59702-2022

Date of Decision : February 28, 2023

Harjit Singh alias Honey

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gursimran Singh Madaan, Advocate, for the petitioner.

Mr. Manpreet Singh Khangura, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-8877-2023

As prayed for, the application is allowed.

Copy of challan as Annexure P-6 is taken on record.

CRM-M-59702-2022

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.182 dated 25.08.2018 registered under Sections 302, 506, 148 and 149 of the IPC at Police Station Jandiala, District Amritsar Rural.

Learned counsel for the petitioner submits that there are ten accused, out of which one is a proclaimed offender. Learned counsel for the petitioner further submits that the allegation against the petitioner in the said

FIR is that he had given a *kirch* blow on the back of the deceased. Learned

counsel for the petitioner further submits that another co-accused namely Pargat Singh @ Pagga, who was attributed with allegation of *kirch* blow on the back side of the head of the deceased so as to cause the fatal injury, has already been granted the concession of regular bail by the Hon'ble Supreme Court of India while passing order in SLP (Criminal) No.5789 of 2021 titled as Pargat Singh @ Pagga vs. State of Punjab, decided on 16.02.2023, hence, once, a co-accused, against whom the allegation of inflicting the fatal injury, has already been extended the concession of regular bail, the petitioner also, on the ground of parity, is entitled for the grant of regular bail as the petitioner is behind the bars for the last three years and eleven months.

Notice of motion.

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

Learned counsel for the respondent-State submits that though, the grant of bail to co-accused Pargat Singh @ Pagga is a conceded fact and it is also conceded that the petitioner herein is behind the bars for the last three years and eleven months but keeping in view the allegations alleged against the petitioner, his prayer for the grant of regular bail may kindly be declined.

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

The allegation against the petitioner is giving a *kirch* blow on the back of the deceased. Whether the said injury is fatal or not, will only

be proved keeping in view the evidence, which will come on record. Further, the Hon'ble Supreme Court of India while considering similar prayer qua another co-accused namely Pargat Singh @ Pagga, after recording the contention of the State that the injury inflicted by the said co-accused was a fatal injury caused to the deceased, keeping in view the status of the trial and the incarceration already undergone by the co-accused Pargat Singh @ Pagga, the Hon'ble Supreme Court of India vide order dated 16.02.2023 allowed the grant of regular bail in favour of Pargat Singh @ Pagga.

Nothing has been brought to the notice of this Court that the allegations alleged against the petitioner are more serious than the other co-accused namely Pargat Singh @ Pagga or the case of the petitioner herein is different in any manner than Pargat Singh @ Pagga so as to deny him the benefit of regular bail.

In the absence of any material brought before this Court to state that case of the petitioner is on different footing as compared to co-accused Pargat Singh @ Pagga, on the ground of parity, the petitioner, who is behind the bars for the last three years and eleven months and keeping in view the fact that as of now the status of the trial is that only one witness has been examined, the prayer of the petitioner for the grant of regular bail is accepted.

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 28, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No