

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-62276-2023 (O&M)
Decided on : 18.12.2023

Tejinder @ Golu Sardar

. . .Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr.Sunil Kumar Goswami, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

In the present petition, the prayer of the petitioner is for the grant of regular bail in respect of FIR No. 136 dated 27.06.2020 registered under Sections 25 of the Arms Act, registered under Sections 148, 149, 302, 364, 404 of the Indian Penal Code, 1860 and Section 3 (2) (v) the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City Safidon, District Jind.

Learned counsel for the petitioner submits that the petitioner is behind bars from the last about 03 years and 5 months and all the material prosecution witnesses have already been examined but none has supported the allegations as recorded in the FIR against the petitioner. Learned counsel

for the petitioner further submits that co-accused of the petitioner namely, Suresh @ Bittu against whom the same allegations as alleged against the petitioner has been levelled, has already been granted the concession of regular bail by the Co-ordinate Bench of this Court vide order dated 30.10.2023 (Annexure P-9) passed in CRM-M-1342-2023 .

Learned counsel for the petitioner further submits that once the co-accused of the petitioner, namely, Suresh @ Bittu has already been extended the concession of regular bail by the Co-ordinate Bench of this Court, on the ground of parity, the petitioner, against whom the same allegations have been alleged, is also entitled for the grant of concession of regular bail. Learned counsel for the petitioner further submits that the conditions imposed by the Co-ordinate Bench of this Court while extending the concession of regular bail to similarly situated co-accused, namely, Suresh @ Bittu with regard to deposit of FDR in the sum of Rs. 50,000/- with the trial Court is acceptable to the petitioner also, hence, the petitioner may kindly be granted the concession of regular bail.

Per contra, learned State counsel concedes the factum that the factum that the petitioner is behind the bars for the last about 03 years and 05 months and he further concedes that all the material prosecution witnesses have already been examined and none has supported the case of the prosecution so far. Learned State counsel also conceded the fact that vide order dated 30.10.2023, the Co-ordinate Bench of this Court has already extended the concession of regular bail to the similarly situated accused, namely, Suresh @ Bittu.

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

Keeping in view the fact that once, the material prosecution

witnesses have already been examined and they have not supported the case of the prosecution coupled with the fact that petitioner is behind the bars for the last about 03 years and 05 months and out of total 32 cited prosecution witnesses, only 08 prosecution witnesses have been examined so far, hence, as the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial hence, the petitioner has made out the case for the grant of regular bail especially when the similarly situated co-accused of the petitioner, namely, Suresh @ Bittu against whom the same allegations have been levelled in the FIR, has already been extended the concession of regular bail by the Co-ordinate Bench of this Court and the claim of the petitioner on the ground of parity has not been disputed by the learned State counsel, the prayer of the petitioner for the grant of regular bail is accepted. Accordingly, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

As undertaken by the petitioner, the petitioner is directed to deposit an FDR in the sum of Rs. 50,000/- with the trial Court and the same will be forfeited in case, the petitioner remains absent from trial without sufficient cause.

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

18.12.2023

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~