

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

**Neutral Citation No. 2024:PHHC:055601
CRM-M-18961-2024
Date of Decision: April 24, 2024**

Kochi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Prince Goyal, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.0220 dated 30.09.2021, registered at Police Station City Kotkapura, District Faridkot, under Sections 304/34 IPC.

2. At the outset, learned counsel for the petitioner contends that similarly placed co-accused, namely, Honey has already been allowed bail by this Court vide order dated 11.10.2023 passed in CRM-M-35671-2023 (Annexure P-7).

3. The facts as noticed in CRM-M-35671-2023 are as under:-

“As per prosecution case, unclaimed dead body of a person was found on 27.09.2021, which was later on identified to be that of Jagpreet Singh @ Moonga. FIR was lodged on the complaint of his mother Amarjit Kaur on 30.09.2021, in which it was alleged that she had come to know that on 27.09.2021 at about 10.00 am, her son along with his companion had come to the house of co-accused- Honey, who along with Kochi (petitioner herein) and another unknown person had caused injuries to deceased and administered some poisonous substance, thus killing him and then threw the dead body on the street.”

4. Notice of motion.

5. Mr. Baljinder Singh, DAG, Punjab accepts notice on behalf of respondent-State.

6. Learned State counsel concedes the fact that the case of petitioner – Kochi is on similar footing as that of co-accused – Honey, who has already been allowed bail after noticing that he was in custody for the last more than 02 years. Custody certificate pertaining to the petitioner as placed on record, reveals that he is in custody for the last 02 years, 02 months and 05 days in the present case, though he is involved in one case under the Prisons Act and another case pertaining to NDPS Act and is also a convict in a case under the NDPS Act.

7. However, considering the fact that similarly placed co-accused – Honey has already been allowed bail; that the custody period of the petitioner is more than 02 years and 02 months; and that the trial may take long time to conclude, petitioner also deserves the benefit of granting bail on the basis of parity.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, particularly on the basis of parity and all the reasons as discussed by this Court in its order dated 11.10.2023 passed in CRM-M-35671-2023 (Annexure P-7), petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 24, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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