

Law Today Live Doc. Id. 15539

PUNJAB AND HARYANA HIGH COURT

Before: Harsimran Singh Sethi, J.

CRM-M-32373 of 2020

Decided on: 26.10.2020

Gurjant Singh @ Bhola

Petitioner

Versus

State of Punjab

Respondent

(Through video conferencing)

Present:

Mr. Satpreet Grewal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Indian Penal Code, 1860 (45 of 1860), Sections 377, 388, 389, 109, 115, 116, 120-B – Unnatural offence – Co-accused granted bail – Right of similarly situated co-accused -- Same benefit cannot be declined to the petitioner unless and until certain differentiating facts are brought to the notice between the petitioner and the said co-accused -- As no differentiating fact has been brought to the notice, therefore the petitioner has made out a case for the grant of regular bail – Petitioner ordered to be released on regular bail.

(Para 5,6)

HARSIMRAN SINGH SETHI, J. (ORAL) –

1. 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.03 dated 01.05.2019 under Sections 377, 388, 389, 109, 115, 116, 120-B IPC registered at Police Station SSOC, S.A.S Nagar, Mohali.

2. Learned counsel for the petitioner submits that the only allegation against the petitioner is that he is a part of an extortion gang, which extorts money from the other jail inmates and on their refusal, the jail inmates are harassed and atrocities are committed upon them. Learned counsel for the petitioner submits that the allegations, which have been alleged against the petitioner are totally incorrect and false. Learned counsel for the petitioner further submits that the jail officials namely, Rajan Kapoor, Harjeet Singh, Vikas Sharma and Narinder Kumar have already been granted the benefit of anticipatory bail in respect of the similar allegations alleged in the FIR. Learned counsel for the petitioner further submits that the co-accused namely, Amanjeet Singh @ Beeru, who is also similarly situated as the petitioner has already been granted the benefit of regular bail by this Court while deciding CRM-M-15885 of 2020.

3. Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition submits that there are specific allegations against the petitioner that he used to assist the extorters, who used to issue threats to the other jail inmates so as to extort money. Learned State counsel further submits that in

the present case, the petitioner was accompanying the main accused, when the threat was issued to the complainant namely, Brijesh Kumar and, therefore, the prayer of the petitioner for the grant of regular bail be declined.

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

5. Only allegation against the petitioner is that he is a part of the gang, which used to extort money from the other jail inmates and in case of refusal jail inmates were harassed and the said allegation is yet to be proved in the Court of law. It is not disputed by the learned State counsel that the jail Officials namely, Rajan Kapoor, Harjeet Singh, Vikas Sharma and Narinder Kumar, have already been granted the benefit of anticipatory bail in respect of the similar allegations as alleged against the petitioner. Further, the co-accused namely, Amanjeet Singh @ Beeru, against whom, the similar allegations have been alleged, has been granted the benefit of regular bail by this Court while deciding CRM-M-15885 of 2020, the same benefit cannot be declined to the petitioner unless and until certain differentiating facts are brought to the notice of this Court between the petitioner and the said co-accused Amanjeet Singh @ Beeru. As no differentiating fact has been brought to the notice of this Court, therefore the petitioner has made out a case for the grant of regular bail.

6. 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.

7. Learned counsel for the petitioner undertakes that petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

8. 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.

Petition allowed.
