

CRM-M-24168 of 2016

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

Sr. No. 206

CRM No.M-24168 of 2016

Date of decision: September 09, 2016

Shubham

.... Petitioner

Versus

State of U.T., Chandigarh

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sudesh Kumar Khurcha, Advocate,
for the petitioner.

Ms. Ashima Mor, APP, U.T., Chandigarh.

JASPAL SINGH, J. (ORAL)

This is a second petition preferred under Section 439 Cr.P.C., petitioner-Shubham has sought bail, in case bearing FIR No.76, dated March 03, 2016, under Sections 147, 148, 149, 323, 307 IPC, registered at Police Station Sector 31, Chandigarh.

2. Allegations against the petitioner are that he while armed with sword accompanied by co-accused Rocky and others, attacked on the complainant-Paramjit and inflicted injuries with swords, fists and slaps.

3. Learned counsel for the petitioner has contended that petitioner has been falsely implicated in this case. Petitioner was arrested on March 05, 2016 and lodged in judicial custody since then. Final report under Section 173(2) Cr.P.C. has already been presented in the court of competent

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jurisdiction and the trial court is seisin of the matter. The disposal of trial would take sufficient long time. Accordingly, learned counsel for the petitioner has prayed that petitioner be enlarged on bail during the pendency of the trial. Learned counsel for the petitioner further contends that co-accused of the petitioner namely Rocky has already been granted the concession of bail by this Court vide order dated August 10, 2016 passed in CRM No.M-21247 of 2016 captioned as 'Rocky vs. State of U.T. Chandigarh'.

4. On the other hand, learned State counsel has opposed the instant petition contending that petitioner dealt a handle of sword which resulted in infliction of injury on the neck of the complainant. The injury falling within the ambit of Section 307 IPC has been ascribed to the petitioner. Accordingly, petitioner does not deserve the concession of bail.

5. This court has given an anxious thought to the aforesaid rival submissions made by learned counsel for both the parties and perused the record available.

6. The allegations attributed to the petitioner are serious in nature and inasmuch as, he along with co-accused entered in the house of the complainant and attacked on her with swords. An injury falling within the ambit of Section 307 IPC has been caused to the complainant. Moreover, petitioner and his co-accused snatched the ear-rings and golden chain of the complainant. Moreover, grant of bail to the co-accused of the petitioner namely Rocky does not *ipso facto* mean that petitioner is also entitled to the same relief as an injury falling within the ambit of Section 307 IPC has been ascribed to the petitioner, inflicted on the complainant.

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7. Keeping in view the gravity of offence complained of against the petitioner, this court does not find any merit in the instant petition and same is accordingly dismissed.

September 09, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No