

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

CRM-M-25531 of 2016 (O&M)
Date of decision : 11.8.2016.

Sumit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Bali, Advocate and
Mr. Parminder Singh, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Sulkhan Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.27 dated 04.02.2016, registered under Sections 420, 417, 177, 193, 120-B of the Indian Penal Code (for short 'the IPC') and Section 25 of the Arms Act, at Police Station Jodhewal, Ludhiana.

The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He states that initially the FIR was lodged on the statement of Amit Arora under Sections 307 IPC read with Section 34 IPC and Section 25 of the Arms Act in Police Station Jodhewal, Ludhiana. However, during the course of investigation, it emerges that in fact no injuries were caused to the complainant and the whole episode was generated by the complainant-Amit Arora in order to secure more PSOs and escort vehicle. The allegation against the petitioner is

that he connived with the main accused, Amit Arora. He states that the petitioner is not named in the FIR and arrested on the disclosure statement of Amit Arora. He submits that the petitioner is in custody since 22.06.2016 and the similarly situated co-accused, namely, HC Om Parkash and Shakha, have been admitted to bail by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 04.08.2016.

On the other hand, the learned State counsel states that challan has not been filed and one of the accused is yet to be arrested.

I have heard the learned counsel for the parties and perused the record.

Considering the facts that there is no specific allegation against the petitioner; he is in custody since 22.06.2016; and co-accused have been admitted to bail, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

11.08.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No