

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

CRM -M-33566 of 2016 (O&M)

Date of decision: 30.09.2016

Vishal Kumar @ Ashu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Bharat Julka, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 165 dated 11.09.2015, registered under Sections 323, 324, 341, 379, 506, 148 read with Section 149 IPC, at Police Station Division No.4, Ludhiana, District Ludhiana.

It is contended that the petitioner has been falsely implicated in the instant case. The co-accused, Sonu Gawala and Rahul Kanojia @ Bhanu have already been admitted to bail by this Court. The petitioner is not involved in any other FIR and he is in custody since 21.11.2015. He further contends that Section 308 IPC was added subsequently. Though, it is not reflected in the petition, however, the same is duly reflected in the connected petition No.

CRM-M-27673 of 2016 and the order dated 19.08.2016 (Annexure P-3), passed by this Court.

On the other hand, learned State counsel opposes the bail application and states that one wooden stick has been recovered from the petitioner.

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

Considering the fact that the petitioner is not involved in any other FIR, he is in custody since 21.11.2015; the challan stands presented; charges have been framed, however, no witness has been examined so far, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail including added Section 308 IPC during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

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

30.09.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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