

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6508-2019(O&M)

Date of decision:11.04.2019

Vishal Sharma @ Jaggi Roopar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Aakash Kumar Gupta, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.90 dated 12.07.2017 under Sections 365, 368, 323, 506, 148, 149 of IPC and Section 25 of Arms Act (Sections 307 and 120-B of IPC added later on), registered at Police Station Division No.6, District Jalandhar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the allegations contained in the FIR, the injuries alleged to have been caused to the complainant are stated to have been caused jointly. However, all other co-accused of the petitioner have already been released on bail. Challan has already been filed against the petitioner and the petitioner is not required for any investigation purposes. Still further, it is submitted that although the petitioner is in custody since 04.09.2017, however, the trial of the case has not yet started. It is further submitted that even all the documents have not been supplied to the petitioner, to substantiate the charge against him.

On the other hand, learned State counsel, being instructed by ASI Kashmir Singh, submits that the petitioner is specifically named in the

FIR. The injury caused to the complainant is the head injury, therefore, Section 307 of IPC was added to the case later on. However, learned counsel for the State has not denied that the medical report, showing the injury, have not been supplied to the petitioner, because the same has not even been received by the police. It is also not denied that the petitioner is in custody since 04.09.2017 and that no prosecution evidence has been led in the case so far. The fact that other co-accused of the petitioner have already been released on bail is also not controverted by the learned counsel for the State.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

11.04.2019
Hemlata

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