

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

CRM-M No.7674 of 2019

Date of Decision: 15.03.2019

Shivi Batta

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sanjeev Duggal, Advocate
for the petitioner.

Mr. Amit K. Mehta, Sr. D.A.G., Punjab.

Mr. Sanjiv K. Virk, Advocate
for the complainant.

DAYA CHAUDHARY, J.

Petitioner accused Shivi Batta has filed the present petition for grant of regular bail to him in case FIR No.77 dated 14.04.2018 registered under Sections 307, 392, 160, 427, 295, 353, 186, 332, 283, 188, 148, 149 IPC and Sections 25/27 of the Arms Act and Section 8-A of the National Highway Act, 1956 and later on the offence under Sections 302, 307, 323, 148, 149 IPC and Sections 25/27/54/59 of the Arms Act, Sections 3(1)(t), 3(2)(v) of the SC/ST Act were added.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. A number of persons were present from two different groups and it is a case of version and cross version. It cannot be said as to which of the party was more aggressive. Three different challans were presented. Learned counsel

also submits that it is a case of free fight and co-accused of the petitioner have been released on regular bail. 0.32 bore revolver was recovered from the petitioner. One pistol was also recovered from the co-accused. Both the weapons were sent for comparison to Forensic Science Laboratory, SAS Nagar, Mohali. No definite opinion was given as the bullets did not match with the revolver alleged to have been recovered from the present petitioner. The allegations are there against co-accused Sunny Batta and Sushil Kumar @ Tinka, who have been released on regular bail. The present petitioner is in custody since 15.04.2018. The trial may take some more time to conclude and no useful purpose would be served by keeping him in custody.

Learned State counsel has opposed the bail of the petitioner on the ground of seriousness of offence; lesser custody period; even the charges have not been framed and the statement of the complainant is necessary to be recorded. He further submits that there is a possibility that the petitioner may influence the witnesses, in case, he is released on regular bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, the charges have not been framed and statement of the complainant has not been recorded. The custody period is less than one year. The petitioner cannot claim parity with co-accused who have been released on regular bail. It cannot be said only on the basis that no definite opinion has been given, the petitioner becomes entitle for bail as it is a case of prosecution that shots were fired and the present petitioner is the main accused.

Accordingly, by considering the custody; the stage of trial and also the fact that the serious offence under Section 302 IPC is there and complainant has not been examined, no ground is made out to release the petitioner on regular bail and the petition is accordingly dismissed.

15.03.2019
gurpreet

(DAYA CHAUDHARY)
JUDGE

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