

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

CRM-M No.35615 of 2019 (O&M)

Date of Decision: 05.09.2019

Rishav Sharma @ Rishu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kawaljyot Singh, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.205 dated 29.12.2017, under Sections 323, 307, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Contentends that as per the allegations of the prosecution itself, petitioner was driving the Ford Figo Car and one Alto Car, which was being driven by Amit, has hit the motorcycle of the complainant and co-accused Dona, who was also sitting in the Alto Car, is alleged to have fired. Also contends that co-accused Pancham has already been granted bail pending trial by this Court. Further contends that even charges are yet to be framed in this case.

The above factual position is duly acknowledged by learned State Counsel on instructions from the police official present in the Court but

opposed the present bail application, however, stated that injury in this case is simple in nature.

Since investigation has already over; charges are yet to be framed; three of the co-accused have already been granted the concession of bail and there is no allegation that petitioner has caused any injury to the complainant, thus, further incarceration of the petitioner will not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

September 05, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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