

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

CRM-M No.8037 of 2020 (O&M)

Date of Decision:03.03.2020

Ravi Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Navraj Singh Mahala, Advocate,
for the petitioner.

Mr. Ajay Pal Singh, DAG, Punjab
for the State.

Mr. Anil Kumar Spehia, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.127 dated 19.11.2019 under Sections 323, 307, 379, 506, 148 and 149 IPC, registered at Police Station Division No.3, Jalandhar.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and was later on nominated on the basis of CCTV footage as it was allegedly found that the petitioner was sitting in the car at the place of incident. Learned counsel for the petitioner has further submitted that the investigation in the present case is already complete and challan has also been presented before the trial Court. He has also submitted that the culpability with regard to Section

307 IPC cannot be ascertained at this stage, particularly in view of the fact that no injury has been attributed to the petitioner. He has further referred to the orders dated 13.12.2019, 27.01.2020 and 28.01.2020 (Annexure P-2) whereby two main accused have been granted interim anticipatory bail and the other co-accused Sukhwant Singh @ Mau, who is in parity with the petitioner and was also allegedly found sitting in the car at the place of incident, has been granted regular bail by this Court. He has further stated that the petitioner is in custody since 25.11.2019 and, therefore, prayed for grant of regular bail to him.

Per contra, learned State counsel, on instructions from ASI Amrit Singh, has submitted that there is no dispute so far as parity of the petitioner with other co-accused Sukhwant Singh @ Mau is concerned, but the fact remains that in the CCTV footage, the petitioner was found sitting in the car at the place of incident. Learned State counsel has further submitted that although, no injury has been attributed to the petitioner, but he has hatched the conspiracy and therefore, opposed the bail on the ground that the matter is serious in nature. Learned State counsel has filed Custody Certificate in the Court today. The same is taken on record. As per custody certificate, the petitioner is in custody since 25.11.2019.

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

Admittedly, in the present case, the petitioner is in custody since 25.11.2019 and the investigation is already complete. It is also not disputed by the learned State counsel that the petitioner was not named in the FIR and he was nominated during the course of investigation and that no

injury has been attributed to him. The similarly situated co-accused has already been granted bail by this Court. Considering the fact that the trial of the case has started and may take time for final decision, I deem it fit to admit the petitioner to regular bail.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

03.03.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No