

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 24.02.2020

1. CRM-M-52624-2019 (O&M)

Billa

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-2180-2020 (O&M)

Om Parkash @ Karata

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumeet Singh Arora, Advocate for
Mr. Ankit Kharbanda, Advocate
for the petitioner (in CRM-M-52624-2019).

Mr. D.S. Gandhi, Advocate
for the petitioner (in CRM-M-2180-2020).

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to petitioners Billa and Om Parkash @ Karata, in FIR No.107 dated 26.08.2019 under Sections 307, 452, 506, 427, 148, 149 IPC and Section 25 of Arms Act, registered at Police Station Majitha Road, Amritsar.

Learned counsel for the petitioners relies upon the order dated 11.12.2019 passed in CRM-M-51736-2019, vide which co-accused Vicky Mattu has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Counsel for the petitioner submits that as per the allegations in the FIR,. The accused persons trespassed the house of the complainant and fired 2/3 shots. Counsel for the petitioner further submits that no one was injured in the incident and one of the accused Ashok Kumar has been granted the concession of regular bail vide order dated 27.11.2019 passed in CRM-M-49598-2019. Counsel for the petitioner further submits that the petitioner is in custody since 2.10.2019 and is not involved in any other case and the challan is presented. He further submits that a cross-version case has been registered with a complaint given under Section 307 IPC.

Learned State counsel, on instructions from ASI Anil Kumar has filed the custody certificate and has not disputed the above-said factual position.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner; co-accused of the petitioner has been granted the concession of regular bail and that the petitioner is in custody since 2.10.2019, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Illaq Magistrate, concerned...”

Learned counsel for petitioner Om Parkash @ Karata has argued that the petitioner was nominated by his co-accused Vicky Mattu, who has already been released on regular bail and no injury is attributed to him. It is further submitted that even one more co-accused Ashok Kumar has been granted the concession of regular bail vide order dated 27.11.2019 passed in CRM-M-49598-2019. Learned counsel further submits that the petitioner is in custody since 11.10.2019.

Learned counsel for petitioner Billa has also argued that even against petitioner Billa, there is no direct allegation of causing injury to any person, as it is a case of no injury. It is further submitted that the petitioner is in custody since 28.08.2019.

Learned State counsel, on instructions from ASI Kuldeep Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, both these petitions are allowed and both the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petitions stand disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.02.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No