

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 27.10.2021

1. CRM-M-21537-2021 (O&M)

Neeraj Sharma @ Ashu

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-37139-2021 (O&M)

Simranjot Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Bansal, Advocate
for the petitioners (in both cases).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to

petitioner Neeraj Sharma @ Ashu and Simranjot Singh, in FIR No.0139 dated 09.06.2020 under Sections 307, 506, 294, 148, 149 IPC and Sections 25 & 27 of Arms Act (Section 120-B IPC was added later on), registered at Police Station Division No.3, District Police Commissionerate Ludhiana.

Learned counsel for the petitioners relies upon the order dated 04.10.2021 passed in CRM-M-32001-2020, vide which co-accused Pankaj Rajput has been granted the concession of regular bail, by passing the following order: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Raj Kumar, at about 01:25 am, some unknown persons came on a motorcycle near gate of the house and started taking names of his nephew Rishab Benipal @ Nanu and started abusing him. They were holding weapons and these persons, with intention to kill, fired upon, while the complainant and family members were sleeping. It is further submitted that in the said incident, nobody was injured and there is no allegation against the petitioner that he was present at the spot, as he was in jail in some other FIR. It is also submitted that as on today, custody of the petitioner is 01 year, 03 months and 07 days and challan stands presented on 11.08.2020, however, till date, charges have not been framed, though a period of about 01 year and 02 months has lapsed, therefore, the trial is not likely to start soon.

Learned State counsel has filed the custody certificate dated 02.10.2021 in the Court today. As per this custody certificate, the petitioner is involved in some other cases and he was taken on production warrants in the present FIR, on account of conspiracy with co-accused.

In reply, learned counsel for the petitioner has submitted

that all other accused persons are on bail and has referred to some orders passed by this Court, vide which the petitioner was granted bail in other FIRs...”

Learned counsel for the petitioners submits that nobody was injured in the incident and petitioner Neeraj Sharma @ Ashu is in custody for the last 01 year and 28 days and petitioner Simranjot Singh is in custody for the last 07 months and they are on bail in other FIRs.

Learned State counsel has filed the custody certificates dated 27.10.2021 of both the petitioners in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, both these petitions are allowed and petitioners Neeraj Sharma @ Ashu and Simranjot Singh 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 are disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.10.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No