

CRM-M-32381-2020 (O&M)

211

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

Decided on: November 25, 2021.

(1)

CRM-M-32381-2020 (O&M).

Sandeep Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

(2)

CRM-M-27539-2020 (O&M).

Ankit Sharma @ Ankit Pandit

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

(3)

CRM-M-25180-2021 (O&M).

Shubham Arora @ Mota

.. Petitioner

VERSUS

State of Punjab

.. Respondent

CRM-M-32381-2020 (O&M)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Bipan Ghai, Sr. Advocate, assisted by
Mr.Vishwajeet Singh Virk, Advocate,
for the petitioners in CRM-M-32381-2020
and CRM-M-25180-2021.**

**Mr.Gurpreet Singh Dhillon, Advocate,
for the petitioner in CRM-M-27539-2020.**

Mr.Arun Kumar Kaundal, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

This order will dispose of the above noted three petitions filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR No.41 dated 12.2.2020, registered under Sections 307, 323, 324, 325, 326, 506, 148 and 149 IPC (Section 201 IPC added later on), registered at Police Station, Moti Nagar, Ludhiana, District Ludhiana.

CRM-M-25180-2021

At the outset, Mr.Vishwajeet Singh Virk, Advocate, assisting the learned senior counsel Mr.Bipan Ghai, prays for the withdrawal of the petition filed on his behalf.

The request made by the learned counsel for the petitioner is accepted.

Dismissed as withdrawn.

CRM-M-32381-2020 and CRM-M-27539-2020.

Since the petitioners are accused in the same FIR, both the petitions are taken up together for adjudication and for the sake of brevity, the facts are taken up from CRM-M-32381-2020, titled Sandeep

CRM-M-32381-2020 (O&M)

Singh Vs. State of Punjab.

As per the FIR which was lodged on the basis of statement of Gaurav son of Inderjit Singh, when he along with his other friends had gone to Ludhiana at night time and had meal at a Hotel then at about 11:40 P.M., some other persons came on different cars and started raising *lalkaras* along with their weapons and attacked them in which one Puneet Bains alias Money was injured.

Mr.Bipan Ghai, learned senior counsel assisted by Mr.Vishwajeet Singh Virk, Advocate, on behalf of petitioner Sandeep Singh has submitted that as per the contents of the FIR itself the role attributable to petitioner Sandeep Singh was that he had given *khanda* blow on the head of injured Puneet Bains. Learned senior counsel referred to MLR Annexure P-2 to show that injury attributable on the head i.e. injury Nos.1 and 4 were simple in nature. So far as injury attributable to the third accused namely Shubham Arora @ Mota, is concerned, the same was declared as dangerous to life. He submitted that so far as the present petitioner Sandeep Singh is concerned, he is in custody since 26.5.2020 which is almost 1½ years and the investigation of the case is already complete and after completion of investigation even challan has been presented under Section 173 Cr.P.C. before the competent Court and thereafter, charges have also been framed on 17.9.2021. He submitted that trial of the case would take long time and no recovery is to be effected from the petitioner. He further submitted that, in fact, the injured Puneet Bains is involved in as many as 7 other cases and according to the learned senior counsel upon instructions, he is a known criminal of the area involved in several cases. He referred to para 6 of the

CRM-M-32381-2020 (O&M)

petition wherein description of the 5 other cases has been mentioned out of 7 total cases and so far as present petitioner Sandeep Singh is concerned, he is involved in two cases and he is already on bail in a case pertaining to Section 323 IPC which is a bailable offence and in the second case, petitioner Sandeep Singh is on anticipatory bail. He further submitted that no useful purpose would be served in case the petitioner is further kept in custody particularly in view of his long incarceration.

Mr. Gurpreet Singh Dhillon, Advocate, appearing on behalf of petitioner Ankit Sharma has submitted that so far as petitioner Ankit Sharma is concerned, even as per the FIR, no specific role is attributable to him and he is in custody since 22.2.2020, which is about 1 year and 9 months. He further submitted that petitioner Ankit Sharma is involved in one more case in which he is already on bail.

On the other hand, learned State counsel has submitted that so far as custody of both the petitioners is concerned, the same is not disputed and it is also not disputed that investigation of the case is already complete and after presentation of challan charges have also been framed and no recovery is to be effected from both the petitioners. However, he has opposed the grant of bail on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

Custody period of both the petitioners namely Sandeep Singh and Ankit Sharma is not in dispute. It is also not in dispute that investigation of the case is already complete and after presentation of challan before the competent Court, charges have also been framed. As per the allegations the injuries attributable to petitioner namely Sandeep Kumar

CRM-M-32381-2020 (O&M)

have been declared to be simple in nature and so far as petitioner namely Ankit Sharma, is concerned, even as per the prosecution no specific role has been attributable to him. Furthermore, it is not the case of the State that in case the petitioners Sandeep Singh and Ankit Sharma, are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

In view of above and considering the totality of circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners namely Sandeep Singh and Ankit Sharma. Accordingly, both the petitions are allowed. It is ordered that the petitioners namely Sandeep Singh and Ankit Sharma shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Petition for regular bail filed by petitioner Shubham Arora @ Mota bearing number CRM-M-25180-2021, stands dismissed as withdrawn.

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.

Pending misc. applications, if any, shall also stand disposed of accordingly.

November 25, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No