

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

107

**CRM-43292-2021 in
CRM-M-50237-2021
Date of Decision: 21.12.2021**

Vishal Pewal @ Chhotu

....Applicant/Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Shrey Goel, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-43292-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 02.03.2022.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Vishal Pewal @ Chhotu** for grant of regular bail in case FIR No.185 dated 02.09.2019 under Sections 148, 307, 323, 324, 326, 341, 379-B, 427 and 506 IPC read with Section 149 IPC, registered at Police Station Haibowal, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that neither use of any weapon nor inflicting any specific injury on the persons of injured namely Sunny @ Pubbi and Rakesh Kumar, is attributed to petitioner. He further urges that co-accused Harsh Gupta to whom grievous injury by means of sharp-edged weapon on the person of injured Sunny @ Pubby is attributed, he (Harsh Gupta) has already been admitted to regular bail by this Court, vide order dated 26.02.2020 passed in CRM-M-5555-2020. He further submits that co-accused namely Akash Sharma @ Kandy, Raja Giri and Vishal Kumar son of Sat Pal have already been extended concession of regular bail by this Court, vide orders dated 20.05.2020, 18.06.2020 and 03.03.2021 passed in CRM-M-6134-2020, CRM-M-13404-2020 and CRM-M-33725-2020 respectively, whereas co-accused namely Nikhil Gill, Bablu Jhanjot and Sony Kalyan have already been extended concession of pre-arrest bail by this Court, vide orders dated 26.11.2019, 23.01.2020 and 06.09.2021 passed in CRM-M-43714-2019, CRM-M-54750-2019 and CRM-M-55636-2019 respectively. He further

submits that petitioner is languishing in custody since 04.09.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 04.09.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Vishal Pewal @ Chhotu** is allowed and he is ordered

to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Ludhiana, as the case may be.

(LALIT BATRA)
JUDGE

21.12.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No