

CRM-M-17900-2021

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

CRM-M-17900-2021

Date of decision: 19.04.2022

Sachin

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinay Kumar, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Jatinder Singh, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.69 dated 21.03.2020, registered at Police Station Gate Hakima Amritsar, District Amritsar, under Sections 307, 506, 148 and 149 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 09.02.2021; that the allegation with regard to gun-shot firing had been made against accused, Ritik Malhotra, who has been granted bail, vide order dated 12.06.2020 passed by the learned Principal Magistrate, Juvenile Justice Board, Amritsar; that that there was no allegation of gun-shot firing against the petitioner; that similarly situated co-accused, namely, Vikas Malhotra and Sahib @ Sujal Mattu have since been granted the concession of regular bail by a Coordinate Bench, vide

order dated 11.09.2020 (Annexure P-3).

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On the other hand, learned State counsel submits that at one stage, the petitioner was declared a proclaimed offender on 03.02.2021, but was apprehended on 08.02.2021; that the petitioner have actively participated in the commission of the offence and that he cannot claim parity with the above-named co-accused.

I have heard the learned counsel for the parties.

As per the prosecution version, the petitioner alongwith co-accused had attacked the complainant and his family members and three persons had received gun-shot injuries i.e. on the right side of stomach of the mother of the complainant; on the right leg of neighbourer Svash and on the right ankle of Vishal @ Sonu. The petitioner was allegedly a part of the persons who had caused fir-arm injuries.

Co-accused, namely, Vikas Malhotra and Sahib @ Sujal Mattu were released on bail keeping in view the fact that Vikas Malhotra was not part of the person who could be attributed the fire-arm injuries whereas Sahib @ Sujal Mattu was named subsequently. Moreover, co-accused, namely, Ritik Malhotra was granted bail, being a juvenile. As such, the petitioner cannot claim parity with the above-named co-accused.

Keeping in view the nature and gravity of the offence, this Court finds that the petitioner is not entitled to the benefit of regular bail.

Therefore, finding no merit in the present petition, the same is dismissed.

19.04.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No