

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18788-2022
Date of decision : 11.05.2022

Arun Ghagat

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rakesh Mohan Jain, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first bail petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.36 dated 07.06.2018 registered under Section 302, 379-B, 148, 149 IPC and Section 25 of the Arms Act at Police Station Nayagaon, Mohali.

Learned counsel for the petitioner has submitted that in the present case, the fire arm injury suffered by the deceased has been attributed to Aakash. It is further submitted that the only allegation against the present petitioner is that he, along with Amandeep, had given slaps and fist blows to the deceased and that the petitioner, even as per the version given in the FIR, was not armed with any weapon. It is further submitted that no recovery has been effected from the present petitioner and the petitioner has been in custody since 11.06.2018 and in the present case, challan has already been presented and there are 20 prosecution witnesses out of them

only one witness has been partially examined and the prosecution has moved application under Section 319 Cr.P.C. and thus, the trial is likely to take time. It is also stated that the petitioner is not involved in any other case. Learned counsel for the petitioner has further submitted that the co-accused of the petitioner namely Rishab @ Uddu has already been granted regular bail by this Court vide order dated 30.03.2022 passed in CRM-M-49090-2021 and the case of the petitioner is on similar footing as that of the said co-accused.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that there are allegations against the petitioner that he had slapped the deceased. The other facts have, however, not been disputed.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that the gun shot injuries have been attributed to Aakash and the petitioner was empty handed and the only allegation levelled against the petitioner is that he, along with Amandeep had given slaps and fist blows to the deceased. No recovery has been effected from the present petitioner. The petitioner has been in custody since 11.06.2018 and challan in the present case has already been presented and there are 20 prosecution witnesses and out of them only, one witness has been partially examined and the prosecution has moved an application under Section 319 Cr.P.C. and thus, the trial is likely to take time and the petitioner is not stated to be involved in any other case. The co-accused of the petitioner namely Rishab @ Uddu has been granted regular bail by this Court vide order dated 30.03.2022 passed in CRM-M-49090-2021.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

May 11, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No