

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

201

=====

IN VIRTUAL COURT

=====

**CRM-M No. 22858 of 2019
Date of Decision : 31.1.2022**

Rishav Kumar @ Ravi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajat Malhotra, Advocate, for the petitioner

RAJBIR SEHRAWAT, J. (Oral)

This second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No. 97 dated 28.6.2018, registered under Sections 302, 307, 148, 149, 452, 120B IPC at Police Station Bhogpur, District Jalandhar.

It is submitted by counsel for the petitioner that the petitioner has been involved in the case only on the basis of un-substantiated disclosure statement of co-accused Gulshan. Even as per that statement, the petitioner was alleged to be armed with *datar*, whereas, the police have fabricated the recovery of *kirpan* from the petitioner. Even if that be so, the FIR contained the names of the specified persons, who are alleged to have attacked the complainant and the deceased. The petitioner is not even named as one of the persons, who actually attacked the injured or the deceased. The petitioner is not even connected with the motive alleged in the FIR. Moreover, the investigation of the case is complete and the petitioner is not required for any

investigation purposes. The counsel has further submitted that after he had earlier withdrawn his application for bail pending trial, the co-accused of the petitioner namely; Anoop, from whom also recovery of weapon was shown, has been granted bail by a Coordinate Bench of this Court. The petitioner is in custody since 3.7.2018. Hence, the petitioner deserves the concession of bail pending trial.

Notice of motion.

Mr. Charanpreet Singh, AAG, Punjab accepts notice on behalf of the respondents and submits that the name of the petitioner has surfaced during the investigation. There is recovery of weapon from the petitioner. Therefore, the petitioner is involved in a heinous crime. Hence, he does not deserve any concession of bail pending trial. However, it is not disputed that there is no allegation of causing injury by the petitioner either to deceased or to any injured; and that the petitioner is in custody since 3.7.2018. Furthermore, it is not disputed that the co-accused of the petitioner with similar allegations has already been released on bail by the Co-ordinate Bench of this Court.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

31.1.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No