

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

223

CRM-M-42413-2022

Date of decision : 08.12.2022

Bobby Kumar @ Bobby Pandit

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Sahil Vashishat, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

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**VIKAS BAHL, J. (ORAL)**

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.66 dated 12.04.2022 registered under Sections 307, 341, 323, 427, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 (Section 13 of the Unlawful Activities (Prevention) Act, 1967 has been added later on) at Police Station Tibba, Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 15.04.2022 and investigation is complete and challan has been presented and there are 20 prosecution witnesses, out of which, none have been examined and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner has not been named in the FIR and has been implicated on the basis of statement of co-accused-Pankaj Sharma and even as per the said statement although the petitioner is stated to have had fired shot but the same did not hit any person. It is submitted that co-accused Pankaj Sharma

has been granted regular bail by this Court on 01.12.2022 in CRM-M-54584-2022 and the case of the present petitioner is on a higher footing than that of said Pankaj Sharma inasmuch as the allegations against said Pankaj Sharma were to the effect that he had inflicted one injury upon Parminder Singh with a gun shot although the same had been declared to be simple in nature.

On the other hand, learned State Counsel, has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner is involved in one more case.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, has relied upon the judgment of Hon'ble Supreme Court in **“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”**, reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

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

Keeping in view the abovesaid facts and circumstances more

so, the facts that in the present case, the petitioner has been in custody since 15.04.2022 and investigation is complete and challan has been presented and out of 20 prosecution witnesses, none have been examined and thus, the conclusion of trial is likely to take time and the fact that the petitioner is not named in the FIR and has been named by co-accused-Pankaj Sharma and even as per the said statement, no injury has been attributed to the present petitioner and the said Pankaj Sharma has already been granted the concession of regular bail and the case of the petitioner is on a higher footing than that of Pankaj Sharma and also in view of the law laid down in ***Maulana Mohd. Amir Rashadi's*** case (Supra), the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

It is further made clear that in case, any act is done by the petitioner to threaten 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 an 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 application.

**08.12.2022**

Rajeev (rvs)

**(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:-Yes/No  
Whether reportable:- Yes/No**