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

Sr. No.213

CRM-M-42339-2022
Date of decision : 20.9.2022

Nimish @ Nishu

..Petitioner

Versus

State of Punjab

...Respondent

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Yash Vaid @ Yodha

.....Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Ramandep, Advocate for the petitioner

Mr.MS Atwal, DAG, Punjab

AMAN CHAUDHARY, J.

The present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.72, dated 29.4.2022, registered under Sections 323, 307, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner submits that the petitioners are young boys of 18 years and are students. They have been falsely implicated in the present case. He further submits that the only allegation levelled against them is that they have instigated the co-accused, who had allegedly used the fire arm, which has come out only during investigation, though they are not named in the FIR. It is further contended that there

were four other accused, out of whom one Kaushal Chopra, who was similarly placed as the petitioners, has been granted regular bail by this Court vide order dated 9.8.2022 passed in CRM-M-34109-2022. He relies upon the opinion of the doctor Annexure P5, to show that the injuries caused to the complainant were simple in nature. It is also contended that a gun shot injury has been attributed to co-accused Harmanpreet from whom, the said weapon has already been recovered. It is also submitted that in fact some police officials had used the fire arms to control the unruly mob. Both the petitioners are in custody since 6.5.2022.

Per contra, learned counsel for the State opposes the prayer of bail on the ground that the petitioners were a part of the unlawful assembly, who had gathered to commit the offence. He further submits that both the petitioners are also involved in another FIR. He, however, does not controvert the fact that one of the co-accused, who was similarly placed to the petitioners, has already been granted bail by the Coordinate Bench of this Court. He further submits that the challan has been presented, but the charges are yet to be framed. There are total 34 PWs.

Heard the learned counsel for the parties.

Considering the peculiar facts and circumstances of the case that the petitioners have not been named in the FIR; the only allegation against them is of instigation; co-accused, who was similarly placed to the petitioners has already been enlarged on regular bail; they are in custody since 6.5.2022; the challan has been presented but the charges are yet to be framed and there are total 34 PWs therefore, further detention of the petitioners behind the bars would not serve any useful purpose, the present

petitions for grant of regular bail deserves to be allowed.

Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to them not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurise/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners shall not directly or indirectly coerce, inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioners shall not in any manner misuse the liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which

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have only been made for the purpose of adjudicating the present petitions
for grant of regular bail.

20.9.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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