

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106+219

CRM-43304-2022 in/and
CRM-M-42937-2022

Date of Decision: 14.12.2022

Sameer Malik

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-43304-2022

Application is allowed as prayed for.

Translated copy of challan report filed under Section 173
Cr.P.C., before the trial Court is taken on record as Annexure P-3, subject
to all just exceptions.

CRM-M-42937-2022

Custody certificate dated 13.12.2022 filed in Court today is
taken on record.

The petitioner has filed the present petition under Section
439 of the Code of Criminal Procedure, 1973 for grant of regular bail in
case FIR No. 93 dated 26.06.2022 registered under Sections 307, 148,
149 and 506 IPC and Section 25 of the Arms Act at Police Station

Division No. 3, District Ludhiana.

As per prosecution story, the present FIR was got registered on the basis of statement complainant-Kranit, who alleged that on 25.06.2022, a mela was held in their mohalla, due to which his relatives had come to his house. At around 11.00 p.m., son of the complainant, namely, Kartik Bagan, was going along with his cousin to Manohar Nagar, Ludhiana, on his motorcycle and the complainant was also following them on his own motorcycle. When they reached near Jain Public School, Benamin Road, CMC Chowk Ludhiana, there were about 8-10 persons were standing on three motorcycles. Thereafter, the assailants waylaid the son of complainant and opened fire weapon upon and shot him twice with intention to kill him. One of the shots had hit waist of the injured and damaged the liver. On raising hue and cry, all the accused persons fled away from the spot. The complainant found that blood was oozing from the right waist of his son and admitted him to CMC, Hospital. Motive behind the occurrence was that the accused persons had quarreled some time earlier and they had also damaged the cars of which his son had recorded their video and they were nursing grudge on this account and had attacked upon his son.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case on the basis of disclosure statement suffered by his co-accused which is a very weak type of evidence. No injury has been attributed to the petitioner. The only role attributed to the petitioner is that he is the member of un-lawful assembly. Nothing has to be recovered from him. He is not involved in

any other case. The petitioner is in custody since 29.06.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case and also the fact that petitioner is the first offender and is not involved in any other case, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Sameer Malik, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

December 14, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**