

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-51538-2021**

DATE OF DECISION: MARCH 22, 2022

JASWINDER SINGH @ PARAS @ MONU GORA ...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. J.S. DADWAL, ADVOCATE FOR THE PETITIONER.  
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

**MANOJ BAJAJ, J.(ORAL)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0106 dated 5.6.2021, under Section 307, 326, 325, 324, 323, 451, 506, 148, 149, 120-B IPC (Section 201 IPC added later on), Section 25, 54, 59 Arms Act, Police Station Tibba, Ludhiana, who is in custody since his arrest on 8.8.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Ludhiana, in the order dated 6.10.2021, are as under:-

*“The present case has been registered at the instance of Hitesh Soni on the averments that his brother Akash Soni is not doing any work. Whenever their parents advise Akash Soni to work, he make excuses. His brother Akash Soni became companion of bad elements and started quarreling in their company. He has number of enemies. His brother told him that Raja Bajaj, Pindi, Karan Walia, Mani Laras, Bharat and Paras and their companions are roaming to beat him. On 05.06.2021 at about 12:10 A.M, he received telephonic call of his brother who told him*

*that Manjit Singh, cousin brother of Jimmi has given key of his office to him and his worker Swaranjit Singh and neighbourer Kamal Kumar and they were sleeping in the office. At about 12:00 A.M, they were attacked with swords and datars on their heads, arms and hands with an intention to kill. They came outside the office. The said persons alongwith unknown persons followed them and caused them injuries. They raised raula. Raja Bajaj, Pindi, Mani Laras, Bharat and Paras, Karan Walia and 8-9 unknown persons, while threatening to kill them, escaped from the spot.”*

Learned counsel for the petitioner has argued that as the name of the petitioner does not figure in the FIR who was implicated subsequently on the basis of disclosure statement made by his co-accused Karan Walia. He has submitted that as per prosecution case, the fire-arm weapon which was given to the petitioner by his co-accused was recovered during investigation and admittedly the said weapon was not used in the crime and no offence punishable under the Arms Act is contained in the FIR. He submits that the petitioner has been falsely implicated who has not caused any injury to victim, namely, Manjit Singh, Swaranjit Singh and Kamal Kumar, therefore, he be released on bail as the investigation of the case is complete.

On the other hand, learned State counsel assisted by SI Baldev Raj while opposing the prayer on the ground that the petitioner was member of the unlawful assembly and the offence punishable under the Arms Act was added during investigation. However, it is not disputed that no fire-arm injury was caused to any of the injured and no injury is attributed to the

petitioner also. According to him, the investigation of the case is complete, but the charges are yet to be framed and the case is coming up for the said purpose before the trial Court on 4.5.2022.

Considering the above background, custodial period of the petitioner and the fact that trial is yet to commence and it may consume considerable time to conclude, therefore, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 22, 2022  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No