

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

210

CRM-M-52426-2021

Date of Decision : January 07, 2022

NEERAJ SHARMA AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. G.P.S.Ghuman, Advocate
for the petitioners.

Mr. K.S.Sidhu, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.41 dated 12.2.2020 under Sections 307, 323, 324, 325, 326, 506, 148, 149 IPC (Section 201 IPC added later on), registered at Police Station Moti Nagar, Ludhiana, District Ludhiana.

The learned counsel for the petitioners has submitted that both the petitioners are in custody from 26.5.2020 and both the petitioners have faced incarceration for more than 1½ years. He further submitted that the investigation of the case is already complete and after completion of the investigation the challan has been presented before the competent Court and charges have been framed but no prosecution witness has been examined and the petitioners are in incarceration for more than 1½ years. Learned counsel for the petitioners has submitted

that so far as the petitioner No.1, namely, Neeraj Sharma is concerned, his name was not mentioned in the FIR and he was only nominated on the basis of a disclosure statement at the time of investigation and so far as the petitioner No.2, namely, Nihal Kumar is concerned, his name was mentioned in the FIR but no specific injury has been attributable to aforesaid petitioner No.2. He has further submitted that the main accused in the present case is Subham Arora @ Mota against whom specific injury has been attributable. He has further submitted that the other co-accused, namely, Sandeep Singh and Ankit Sharma @ Ankit Pandit had also filed bail application before this Court vide Annexure P-4 and they have been granted bail by this Court on 25.11.2021 and so far as the present petitioners are concerned they are on better footing as compared to co-accused, namely, Sandeep Singh and Ankit Sharma @ Ankit Pandit who have been granted bail by this Court. Learned counsel has submitted that both the petitioners are although involved in two more FIRs but the same pertained to Sections 323, 324 IPC as well as under the Prisons Act and Sections 353, 186, 323, 341, 506, 120-B IPC and the petitioners are already on bail in those FIRs. He further submitted that infact the injured, namely, Puneet Kumar Bains is involved in as many as seven other cases. He submitted that the trial of the case will take long time and the petitioners have already faced incarceration for more than 1½ years, they may be considered for the grant of regular bail.

On the other hand, Mr. Sidhu, learned DAG, Punjab has submitted that so far as the custody period of the petitioners is concerned, it is correct. It is also correct that after the completion of the

investigation, the challan has been presented and the charges have been framed but no prosecution witnesses has been examined. He has also not disputed that the petitioners are at parity with the other co-accused, namely, Sandeep Singh and Ankit Sharma @ Ankit Pandit who have been granted bail by this Court.

Mr. P.S.Toor, Advocate has caused appearance on behalf of the complainant and has stated that the injuries were caused on the injured, namely, Puneet Kumar Bains and, therefore, since the matter was serious in nature, the petitioners may not be granted the concession of regular bail. He further submitted that the petitioners are also involved in other cases.

I have heard the learned counsels for the parties.

The custody period of both the petitioners is not disputed. It is also not disputed that after the completion of the investigation the final report has been presented before the competent Court and the charges have been framed but no prosecution witness has been examined. It is also not disputed that the petitioners have already faced incarceration for more than 1½ years and the trial of the case would take long time and the other co-accused, namely, Sandeep Singh and Ankit Sharma @ Ankit Pandit have since been granted bail by this Court on 25.11.2021 vide Annexure P-4. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioners.

Consequently, the present petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 07, 2022
ajay-1

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No