

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-58240-2022

Date of Decision:-19.12.2022

Yusuf @ Yusaf.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rahul Bhargava, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.156 dated 08.10.2022 under Sections 307, 324, 323, 148, 149, 120-B IPC and Sections 25 & 27 of Arms Act in which offence under Section 325 IPC was added later on registered at Police Station Sadar, District Jalandhar.

The brief facts of the case are that secret information was received by ASI Mohinder Singh that two groups were fighting with each other. One group was headed by Yusuf son of Dilbar (present petitioner) comprising of Austin, Ranjit, Jaspreet and 15-20 unnamed youths and the other group was headed by Manjit Singh @ Mani Bhapa which comprised of Rakesh son of Gurmel and 15-20 unnamed youths . It was stated that they were armed with deadly weapons and were fighting with each other and with intention to kill each other. Pursuant thereto the FIR came to be

registered . It was also found that Ravinder @ Tota had been injured in the occurrence.

The Counsel for the petitioner contends that the petitioner has not been attributed any specific role or injury as per the FIR. In fact Ravinder Singh from the side of the petitioner has been injured in the present occurrence between two groups. He contends that a car and *datar* have been recovered from the petitioner and the *datar* has not been used in the occurrence. Since the petitioner was in custody since 11.10.2022 his further incarceration was not required and he ought to be granted the concession of bail.

The Counsel for the State on the other hand contends that the petitioner is the head of one group. A fight had taken place between the two factions and one person has been injured from the side of the petitioner. The manner in which the occurrence took place *inter se* did not entitle the petitioner to the grant of bail. He however, admits that the petitioner is in custody since 11.10.2022 and no specific injury has been attributed to him. The only injured is one Ravinder Singh @ Tota who is from the side of the Petitioner.

I have heard learned Counsel for both the parties at length.

Admittedly, the FIR has been registered on the basis of secret information that two groups were fighting with each other. One person from the side of petitioner has received injuries and no injury has been attributed to the Petitioner, though, undoubtedly he is stated to be the head of one group. Be that as it may, since the petitioner is in custody since 11.10.2022, the further incarceration of the petitioner is not required more so when two of the co-accused have been granted the concession of interim

anticipatory bail vide order dated 17.11.2022 (Annexure P-3).

Thus, without commenting on the merits of the case, the petitioner-**Yusuf @ Yusaf** son of Sh. Dilbar is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

In addition, the petitioner or any person on his behalf shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 19, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>