

CRM-M-10874-2023 (O&M)

-1-

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10874-2023 (O&M)
Date of Decision: 06.07.2023

Aryan @ Aryan Kohli and another Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present first petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.90 dated 10.11.2022 registered under Sections 323, 341, 506, 34, 326, 379, 411 of the Indian Penal Code, 1860, (Sections 326, 379 and 411 IPC added later on) at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar.

It is submitted by counsel for the petitioners that the case against the petitioners is totally concocted. Otherwise also, the offences relating to the injuries alleged in the case are bailable one except under Section 326 IPC. The petitioners are the young persons of age of about 20 years. There is no previous enmity between the parties. It is further submitted by the counsel for the petitioners that the petitioners are ready to join the investigation and to cooperate with the Investigating Officer as and when called by the police. There is no other case against the petitioners.

Notice of motion.

CRM-M-10874-2023 (O&M)

-2-

Mr. J.S.Guru, Assistant Advocate General, Punjab, accepts notice on behalf of the State and vehemently opposed the petition.

The learned State Counsel, being instructed by ASI Balvir Singh, has submitted that the allegations against petitioner No.1-Aryan @ Aryan Kohli is that he caused sharp edged weapon injury, which has been declared to be grievous inviting offence under Section 326 IPC. The police are to recover the weapon from this petitioner. It is further submitted that even the injury caused by petitioner No.2 has been declared to be grievous. Hence, it is submitted that none of the petitioners deserves to be granted concession of anticipatory bail.

In view of the above arguments, learned counsel for the petitioners submits that he be permitted to withdraw the present petition qua petitioner No.1-Aryan @ Aryan Kohli.

Ordered accordingly.

So far as petitioner No.2-Nitin @ Billa @ Nitin Kumar is concerned, the injury attributed to him, prima facie, would be covered by Section 325 IPC, which is bailable offence. Moreover, there is no other case against him. Therefore, it would not be unjustified if he is granted concession of anticipatory bail.

In view of the above, but without commenting upon merits of the case, the present petition is disposed of by granting concession of anticipatory bail to petitioner No.2-Nitin @ Billa @ Nitin Kumar. Therefore, it is directed that in case of his arrest, petitioner No.2-Nitin @ Billa @ Nitin Kumar shall be released on bail subject to his furnishing bail

CRM-M-10874-2023 (O&M) -3-

bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that petitioner No.2-Nitin @ Billa @ Nitin Kumar shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

06.07.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No