

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

CRM-M-25507-2023

Date of Decision:-25.05.2023

Sagar Thakur.

.....Petitioner.

Vs.

State of Punjab.

.....Respondents.

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

Present:- Mr. Ashish Soi, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant 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.264 dated 22.10.2022 under Sections 302, 307, 506, 148, 149 and 120-B IPC registered at Police Station Jamalpur, Ludhiana.

2. The brief facts of the case are that one Shivani got registered the present FIR with the allegations that her marriage was solemnized on 11.12.2021 with Paras Kumar son of Ramesh Kumar. Her husband used to work for Sandeep Singh son of Darshan Singh. On 10.12.2022 her husband and Sandeep Singh, Neeraj and Nihal had gone to District Court, Ludhiana with regard to a case. Her husband and his friends had an altercation with persons present in the court namely Rajan Pandit, Chotu Javdi and others with regard to some issue. By that time some advocates had effected a settlement. However, Rajan Pandit kept a grudge in his heart and in the

evening made a phone call through his brother Ajay Pandit on her (complainant's) husband who threatened her husband. This fact was told to her by her husband. Later when her husband was going with his friend Abhishek @ Abhi on an Aactiva Scooter bearing No.PB10FD 2479 towards Bhammian then Rajan Pandit, Sumit Khanna, Deepu, Sachin Bhateej, Sankit, Sagar (petitioner) and 5/6 unknown persons who were on their respective motor cycles and holding dangerous weapons surrounded her husband and his friend. Then Rajan Pandit attacked her husband on his head with his *datar*. Sumit Khanna assaulted her husband on his face with a *datar*. Then Sachin Bhateej attacked her husband on his head with his sword. Then Sankit attacked her husband on his face with an iron rod. Thereafter unknown persons present at the spot attacked her husband on different parts of his body with iron rods and also gave injuries to her husband's friend. Her husband and his friend raised an alarm on which her husband's friends namely Sandeep Singh, Gurwinder Singh and Karan Narang came to the spot. Karan Narang took her husband to Fortis Hospital where he was declared dead. Her husband's friend Abhishek @ Abhi had received life threatening blows on his head. Her husband had been killed by Ajay Pandit, Vishal Sood, Simran Sood wife of Vishal Sood in connivance with each other along with Rajan Pandit, Sumit Khanna, Sachin Bhateej, Deepu, Sagar (petitioner) and 5/6 unknown persons. Requisite action was sought against the accused.

3. The Counsel for the petitioner contends that no specific injury has been attributed to the petitioner. The injured witness Abhishek Shahi @ Abhi had not named the petitioner as per DDR Annexure P-2. The investigating agency had found that the petitioner was innocent and,

therefore, moved an application (Annexure P-7) for discharge on 29.03.2023. Though the said application had been dismissed, however, the fact remains that the petitioner had been found innocent by the investigating agency. It is his contention that even the court has categorically observed that the wife of the deceased, complainant was not an eye witness to the occurrence. As the petitioner was in custody since 25.10.2022 and none of the 22 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand admitted the fact that the investigating agency had found the petitioner to be innocent consequent to which an application for discharge had been moved which had been declined. He fairly concedes that the petitioner is in custody since 25.10.2022, is a first time offender and none of the 22 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of Trial. Admittedly, the investigating agency has found the petitioner to be innocent and an application for discharge had been moved which has however, been dismissed. The said order of dismissal of application for discharge would be challenged.

7. Be that as it may, keeping in view the fact that the petitioner is in custody since 25.10.2022, is a first time offender and none of the 22 prosecution witnesses have been examined so far, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present

petition is allowed and the petitioner-**Sagar Thakur** son of Sh. Manoj Thakur is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 25, 2023
Vinay

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