

**283 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-29982 OF 2023 (O&M)
DATE OF DECISION: 27.07.2023****Shubham Dhand****...Petitioner****Versus****State of Punjab****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA****Present :** Mr. Simranjeet Singh Bedi, Advocate,
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, seeks bail in a case bearing FIR No.33 dated 04.03.2023, registered under Section 379-B (2), 395 of Indian Penal Code, 1860 (for short "IPC") at Police Station Sarabha Nagar, District Ludhiana.

2. Per FIR, on 03.03.2023 at around 11:15 p.m., complainant, a Professor, was on his way back home in his car bearing registration No. PB-10FA-1698 (Make Maruti Ertiga), when two youths on a motorcycle waylaid him. One was wielding a sharp-edged weapon. They assaulted the complainant and decamped with his car after snatching its keys. FIR was registered. Investigation was carried out. Petitioner was arrested five days later on 08.03.2023 as a suspect.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in the case. Petitioner was not arrested at the spot. He would further argue that challan has been presented and charges have been framed. Commencement and conclusion of trial will take long time. Custodial interrogation of petitioner is not required. He is not involved in any other case.

3.1 Learned counsel would further argue that Tushar Bhatia, co-accused of petitioner, has already been granted concession of regular bail vide order dated 13.07.2023 passed by this Court in CRM-M-25309-2023. Petitioner is thus entitled to bail, on the ground of parity alone.

4. On the other hand, learned State counsel, on instructions from ASI Rajpal Singh, opposes the bail petition on the ground that allegations against the petitioner are serious in nature. He further submits that a person of the stature of Professor would not make a false complaint.

5. I have heard rival contentions of learned counsels.

6. Challan is stated to have been presented, charges have been framed. Investigation is thus complete *qua* petitioner. The case is fixed for prosecution evidence but none of the prosecution witnesses out of 11 witnesses has been examined so far. Since trial has commenced, he is thus not required for custodial interrogation. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Commencement/conclusion of the trial is likely to take quite sometime. Whereas petitioner has remained in judicial custody for more than three months from 08.03.2023 to 08.06.2023.

7. Petitioner has been kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses, particularly when he has clean antecedents.

8. Petitioner is stated to be a 23-year young married man, and his further incarceration will severely jeopardize his career in getting employment. He has recently been blessed with a baby boy due to which he has already been granted interim bail vide order dated 08.06.2023. He has not misused the said bail privilege. He is sole breadwinner of his family. Currently his presence is even more imperative than before, since wife of the petitioner is convalescing from caesarian delivery. Being a family man having fixed abode with clean antecedents, he poses no flight risk and is not a threat to society in any way.

9. Further, on a Court query, learned State counsel does not controvert that the role attributed to the petitioner is any different to co-accused Tushar Bhatia, who has been granted benefit of concession of bail vide order dated 13.07.2023,

ibid. In the premise, I see no ground as to why petitioner should not be meted out with similar treatment.

10. Considering the overall scenario and given that similarly situated co-accused Tushar Bhatia has been extended the concession of bail, without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

JULY 27, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No