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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.31709 of 2023 (O&M)
Date of Decision: 08.08.2023

Arshdeep @ Ravi Petitioner
V/s.
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Amit Arora, Advocate for the petitioner.

Rajbir Sehrawat, J (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.261 dated 05.10.2020 registered under Sections 307, 160, 148, 149 IPC, 1860 and Sections 25, 27 of Arms Act 1959 (offence under Sections 201/ 212/ 216-A IPC, 1860 added later on) at Police Station City Tarn Taran, District Tarn Taran.
2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. The petitioner is not involved in the crime as alleged. Even as per the story of the prosecution, there are only some allegations of participation of the petitioner in the alleged fight. The police themselves have deleted Section 307 which was invoked in the present case. The petitioner is in custody since 18.04.2023. All other co-accused have already been released on bail. The petitioner is not required for any further investigation purposes and no recovery is to be effected from the petitioner. Therefore, the petitioner deserves to be released on bail pending trial.
3. Notice of motion.

4. Mr. Jaspal Singh Guru, AAG, Punjab, accepts notice on behalf of the respondent-State. Learned State Counsel, on instructions, from ASI Nishan Singh, submits that the petitioner was one of the accused involved in the fight causing injury to the passer by. Therefore, the petitioner does not deserve any concession of bail. However, it is not disputed by learned State counsel that Section 307 has been deleted from the FIR registered and the petitioner is in custody since 18.04.2023.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8th August, 2023
Sonia Puri

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No