

2023:PHHC:095819

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

228

CRM-M-35296-2023

Date of decision : 27.07.2023

Naresh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Snigdha Sood, Advocate with
Ms. Vibha Nagar, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Ms. Dakshita Deswal, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of regular bail in FIR No.0017 dated 19.01.2023, registered for the offences punishable under Sections 307, 427, 34 and 506 of IPC and Sections 25, 54 and 59 of the Arms Act at Police Station Mundkati, District Palwal.

2. Counsel for the petitioner relies upon order dated 18.07.2023, whereby co-accused Prashant has been ordered to be admitted to bail observing as under:-

“CRM No.28396 of 2023

- 1 For the reasons recorded in the application, the same is allowed.
- 2 Documents Annexures P-3, P-4 and P-5 are taken on record.

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CRM-M No.22646 of 2023

- 1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.17 dated 19.01.2023 registered under Sections 307/427/34/506 IPC and Sections 25/54/59 of the Arms Act at Police Station Mundkati, District Palwal.
 - 2 Learned counsel for the petitioner as well as the complainant are *ad-idem* that it is a case of no injury and mistaken identity. However, the same is opposed by the State counsel saying that whole of the incident was captured in CCTV camera.
 - 3 Keeping in view the aforementioned fact that the complainant is not supporting the case of the prosecution, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
 - 4 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”
3. Today, Ms. Deswal, Advocate appears on behalf of the complainant and supports the petitioner.
4. Counsel for the petitioner further relies upon law down by Apex Court in ***Prabhakar Tewari vs. State of U.P. & Anr. 2020(11) SCC 648.***
5. Per contra, learned State counsel has opposed the bail petition by referring to the criminal antecedents of the petitioner.
6. I have heard counsel for the parties and have gone through the records of the case.

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7. Without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner and the fact the co-accused has already been granted concession of bail, present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

27.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No