

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-41381-2023 (O&M)
Date of decision: 28.08.2023

SHAHZAD CHADHARY @ SHAHZAD CHAUDHARY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Jasraj Singh, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT. J.(Oral)

1. At the outset, on the oral request, learned counsel for the petitioner submits that inadvertently, Section 201 of IPC was not added in the headnote as well as in the prayer clause of the petition.
2. The prayer is allowed and the offence under Section 201 of IPC is ordered to be added in the headnote as well as in the prayer clause of the petition.
3. Learned counsel for the petitioner is directed to carry out the necessary correction in the Court itself.
4. The petitioner has filed the instant petition under Section 439 of the Cr.P.C with a prayer to grant regular bail to him in case FIR No.219 dated

03.09.2022 (Annexure P-1) registered under Sections 307, 324, 148, 149 and 506 of IPC (Sections 326 and 201 of IPC added later on) at Police Station City Hoshiarpur, District Hoshiarpur.

5. Learned counsel for the petitioner contends that in the present case, the occurrence had taken place at about 9:30 PM on 29.08.2022, whereas, the FIR was registered by the complainant at about 7:50 PM on 03.09.2022, after the long and unexplained delay. Learned counsel further contends that the petitioner has been nominated as an accused on the basis of statement made by friend of the complainant namely Abhishek Kumar dated 01.10.2022. As per the case of the prosecution, the petitioner had allegedly caused an injury with a handle of spade (Wanja) on the person of Tejinder Singh and the injury, which attracted the offence under Section 307 IPC is not attributed to him. Learned counsel further contends that similarly placed co-accused Ritik alias Ritik Sabharwal has been granted the concession of bail by this Court vide order dated 10.08.2023 in CRM-M-31466-2023.

6. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against him.

7. I have heard the learned counsel for the parties and perused the record.

8. It is not in dispute that the petitioner is in custody since 03.06.2023 and the investigation is almost complete against him. Further, similar placed co-accused Gaurav @ Pendu and Ritik alias Ritik Sabharwal has been granted the concession of bail by this Court.

9. Without commenting on the merits of the case, the present petition is

allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

28.08.2023
Amandeep

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