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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-51145-2023****Date of Decision:17.10.2023**

Brajesh Kumar @ Sheru

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. 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.58 dated 08.06.2023 registered under Sections 379(b)(2) of IPC and under Sections 25 & 27 of Arms Act, 1959 (later on offence under Section 452, 506 of IPC added vide DDR No.46 dated 11.06.2023) at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that the petitioner was not named in the present case and has been nominated as an accused on the basis of the disclosure statement suffered by co-accused. He further submits that both the parties are related to each other and a civil dispute is pending between them. He further contends that the petitioner was arrested on 13.06.2023 and the challan has already been presented against him. Learned counsel for the petitioner has also relied upon the order dated 15.09.2023

passed in CRM-M-45227-2023, titled as Adesh Kumar @ Rinku vs. State of Punjab and the order dated 12.10.2023 passed in CRM-M-50812-2023, titled as Husanpreet Singh Vs. State of Punjab, whereby the similarly placed co-accused have already been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner and he does not deserve the concession of regular bail.

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

5. The petitioner was arrested in the present case on 13.06.2023 and is in custody for the last more than 3 months. Admittedly, a litigation is pending between the parties and the trial proceedings may take quite a long time. Apart from that, two similarly placed co-accused, namely, Adesh Kumar @ Rinku and Husanpreet Singh have already been granted the concession of bail.

6. 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

17.10.2023
hemlata

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