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

230

CRM-M-51956-2023

Date of decision : 18.10.2023

Jatin @ Jatin Bains @ Chota Nana**..... Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Bhanu Partap Singh, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.132 dated 07.09.2022, registered for the offences punishable under Sections 307, 336, 160 and 120-B of IPC, 1860 (Sections 379 and 411 of IPC, 1860 and Sections 25, 54 and 59 of Arms Act, 1959 added later on), at Police Station Division No.3, Ludhiana.

2. Counsel for the petitioner submits that vide order dated 02.08.2023, co-accused Sarabhot Singh @ Raja Bajaj has already been granted regular bail by this Court in **CRM-M-36507-2023** (Annexure P-5), observing as under:-

“Prayer is for grant of regular bail to the petitioner in FIR No.0132 dated 07.09.2022, registered for offences punishable under Sections 307, 336, 160 and 120-B of IPC (Section 25 of Arms Act and Sections 379 and 411 of IPC added

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later on), at Police Station Division No.3, Ludhiana.

2. The contents of FIR read as under:-

“Then secret informer came to S.I. and informed me in private that today on dated 07.09.2022 in the night at about 01 A.M near ‘Neela Jhanda Gurudwara’ two groups out of which one group of Shubham Arora alias Shubhan Mota and another group of Puneet Baine, Resident of Ghorha Colony, Ludhiana. Both the groups having approximately 10-10 persons and both the groups having illegal arms and other deadly weapons, who have been feuding with each other for a long time, and have fixed timed each other in the Shubham Motta group, Shubham Arora alias Shubham Motta, Rishabh Banipal alias Nanu, Vishu Kanth and Namit alias Naveen Sharma who are in jail and according to the planning Raja Bajaj and Bharat Sharma and out of Puneet Bains Group, Puneet Baina and Akash Soni @ Nanna Don who are in Jail and according to the planning Vishal Gill, Jatin Moga alias Trendy, Deep, Deepanshu, Naveen Gill, Jatin alias Chhota Nanna, Sateem Sahota resident of Amarpura and 5-6 unknown other unknown boys along with the two groups, boarded vehicles and various two-wheelers armed with illegal ammunition and lethal weapons to kill each other attacked with intent and fired illegal weapons at each other, which created an atmosphere of terror in the area. The offense meets the definition of Section 307-336-160-120B, Section 25-54-

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59 of the Arms Act. By typing with the help of his private laptop and printing out the print with the help of the printer and sent the same through constable Satpal Singh to police station for registration of case. Case number be informed after registering the case. Special reports be prepared.”

3. Though as per the allegations levelled in FIR, there is no mention of the petitioner, but he has been nominated being member of one of the warring groups.

4. Counsel for the petitioner submits that the petitioner is behind bars since 10.09.2022. Investigation already stands concluded. It is a case wherein any person has suffered any injury, thus the question as to whether Section 307 IPC is made out, would be a debatable issue. He further places reliance upon order passed by this Court whereby co-accused Shivam Mota @ Shubham Arora, Rishabh Benipal @ Nannu, Vishu Kainth, Sukhraj Singh @ Sukha, Namit @ Naveen Sharma stands admitted to bail (Annexures P-2 to P-5).

5. Counsel for the State is not in a position to dispute the aforesaid factual assertions made by counsel for the petitioner based on record. He further submits that the petitioner is a habitual offender and is involved in number of cases including those for offences punishable under NDPS Act.

6. I have heard counsel for the parties and have gone through the records of the case.

7. Granting benefit of parity and keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail

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on her 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.”

3. Keeping in view the parity and the incarceration already suffered by the petitioner, the 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.

4. 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

18.10.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No