

S. No.217

2023:PHHC:162973

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

CRM-M-53032 of 2023

Date of Decision:19.12.2023

Vivek Kumar alias Vivek BhandariPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naveen Kumar Mahajan, Advocate and
Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Har Kanwar Jeet Singh, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Surinder Singh, PPS, Assistant Commissioner of Police, Central, Amritsar City has been filed on behalf of the respondent- State along with the custody certificate.

2. By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.44 dated 27.02.2023 registered under Sections 302, 323, 336, 148, 149 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Gate Hakima, District Amritsar.

3. FIR was lodged on the statement of Sukhwinder Singh, resident of House No.6873/22, Wariyam Singh Colony Chabal Road Amritsar, as per which, a family function was going on at his home on 26.02.2023, when at about 10:30/11.00 PM, co-accused Pratham, Gurdeep Singh, Ajay, Sujal, Harpreet Singh @ Poppy and Shera came out of their cars and there was some exchange of words regarding parking of the vehicles. Complainant and his brother Balwinder Singh @ Ballu came out of home stating that they will remove the bike. However, Pratham and his associates and their accomplices brought base balls and sharp

pointed weapons from their cars, at which complainant and his brother entered their house. It was alleged that above-said assailants dragged Sony and Balwinder Singh out of the house. They also called their other accomplices, namely, Vijay Bhuji and 4-5 unknown persons, who started manhandling Sonu and Balwinder. Pratham, Ajay and Sujal brought glass bottles from their cars. Their neighbour, namely, Hitesh Kumar came forward to rescue but Vijay Bhuji gave baseball bat on backside of his head. Other assailants Pratham, Ajay and Sujal also started hitting bottles to Balwinder alias Ballu, who was drenched in pool of blood and fell down. On raising alarm, assailant fled away. Balwinder was taken to the hospital but was declared brought dead.

4. On above statement, FIR was registered. During investigation, supplementary statement was made by the complainant on 06.05.2023 disclosing that one Karan Gill @ Pandit and petitioner Vivek Kumar were also present with the assailants at the spot.

5. It is contended by learned counsel that petitioner was not named in the FIR. He was nominated for the first time by co-accused along with Karan Gill @ Pandit after gap of more than two months from the date of occurrence. Learned counsel further contends that similarly placed co-accused Karan Gill @ Pandit has already been allowed bail by this Court vide order dated 26.09.2023 passed in CRM-M-37743 of 2023, copy of which is Annexure P.4.

6. Heard.

7. As per the status report filed on behalf of the respondent- State today, it is conceded that petitioner's name has been surfaced in the disclosure statement of the co-accused. Learned State Counsel also concedes that case of the petitioner

is on same footing as that of co-accused Karan Gill alias Pandit, who was allowed bail by this Court.

8. Custody certificate placed on record reveals that petitioner is in custody for the last 06 months and 28 days, with no criminal antecedents.

9. Having regard to the afore-said facts and circumstances of this case, particularly on the basis of parity, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

December 19, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No