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

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CRM-M-54001-2023

Date of decision : 06.11.2023

Vishal Gill @ Vishal Jacob @ Jacob**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

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

Mr. Jaswinder Singh Arora, DAG, 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 and Sections 25, 54 and 59 of the Arms Act, 1959 (Sections 379 and 411 of IPC added later on), at Police Station Division No.3, Ludhiana.

2. Reliance is being placed upon orders dated 14.03.2023 passed in CRM-M-93-2023 and that of even dated passed in CRM-M-2388-2023, wherein co-accused Shivam Mota @ Sbhusham Arora, Rishabh Benipal @ Nannu have been ordered to be admitted to bail and orders dated 25.05.2023, 29.05.2023 and 02.08.2023 passed in CRM-M-15953-2023, CRM-M-15611-2023 and CRM-M-36507-2023 respectively, wherein Sukhraj Singh @ Sukha, Namit @ Naveet Sharma and Sarabjot Singh @ Raja Bajaj have also been ordered to be admitted to bail.

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3. Petitioner is stated to be behind bars since 15.10.2022. Investigation already stands concluded. It is a case wherein no person is stated to have suffered any injury. Thus, the question whether Section 307 IPC is made out of not is highly debatable. Further reliance is being placed upon orders to claim parity.

4. State counsel is not in a position to dispute that it is a case of no injury. However, it has been argued by him that the petitioner is a habitual offender and more than 12 other criminal cases are pending against him.

5. Faced with the situation, counsel for the petitioner submits that even against the co-accused, there were multiple cases and reliance was being placed upon '*Prabhakar Tiwari vs. State of U.P.*' reported as (2020) 1 RCR (Cri.) 831' by this Court to admit co-accused on bail.

6. 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.

7. 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

06.11.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No