

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-58445-2023

Date of Decision:-24.11.2023

Vikas.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ritesh Pandey, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0132 dated 27.09.2023 under Sections 326, 341, 148, 149, 120-B IPC was added registered at Police Station Division No.2, Distrcit Pathankot.

2. The present FIR came to be registered at the instance of Arjun Sharma Himanshu who stated that he was a student of Class-12. On 24.09.2023 he along with Sikander were going to Model Town, Pathankot for bringing medicines on their motorcycle. When they reached near Shaheed Bhagat Singh Chowk, they met Saurabh @ Mangu who took a lift from them. They all reached near Uchi Puli where they stopped the motor cycle. In the meantime Manav armed with *gandasi*, Pankaj @ Vishnu armed with *datar*, Karan @ Bila (since granted bail vide order dated 20.11.2023 in CRM-M-56951-2023) armed with *baseball bat*, Rahul @

Anda armed with *datar*, Vinod armed with *datar*, Billy Jat armed with *datar*, Lucky Thakur and 5-6 another number of assailants came towards them (complainant party). Then Manav gave *gandasi* blow on his (complainant's) head, and Pankaj @ Vishnu gave a *datar* blow which hit on his (complainant's) left side neck. Pankaj @ Vishnu gave another blow which struck the wrist of his left hand. Then Manav gave a *gandasi* blow which hit the middle of the back. When he (complainant) along with others ran towards Uchi Pulli to save themselves then Vinod gave a *datar* blow on the fingers of his left hand. In the meantime Rahul @ Anda gave a *datar* blow on his head. Saurabh @ Mangu tried to save him. Seeing the others assembling at the spot, the accused ran away in a car, two scooters and motor cycle along with their weapons. The crime had been committed at the instance of Deepu Pehalwan in conspiracy with the others.

Though the petitioner was not named in the FIR, his name came up as an accused during the course of investigation.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The name of the petitioner does not figure in the FIR. Even during the course of the investigation, though the petitioner was nominated as an accused, no injury has been attributed to him. There was a delay of 03 days in the registration of the FIR. It is a case of version and cross version. Some of the co-accused of the petitioner had been granted the concession of regular bail and some were on interim anticipatory bail. As the petitioner was in custody since 04.10.2023, he was entitled to the concession of regular bail.

4. The Counsel for the State on the other hand contends that all the accused collectively assaulted the complainant. Therefore, the nature of the allegations did not entitle the petitioner to the grant of bail. He however,

concedes that the petitioner is not named in the FIR and even during the course of investigation no specific injury has been attributed to him. He also admits that the petitioner is in custody since 04.10.2023 and that some of the co-accused have been granted the concession of regular bail and interim anticipatory bail.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 04.10.2023 and no specific role has been attributed to him. Similarly situated co-accused have been granted the concession of anticipatory bail and regular bail. In this situation the further incarceration of the petitioner is not required.
7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Vikas** son of Sh. Kamal Kumar is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 24, 2023
Vinay

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