

2023:PHHC:147971

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

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CRM-M-57565-2023

Date of decision : 21.11.2023

Sahil @ Shali**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Hanspuneet Singh Kehal, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
assisted by ASI Shamsher Singh.

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.42 dated 26.02.2023, registered for the offences punishable under Sections 379-B(2), 148 and 149 of IPC (Sections 411, 201 and 324 of IPC added subsequently) at Police Station Gate Hakima, Amristar.

2. FIR was registered on the statement made by one Amit Kumar son of Lal Chand alleging that on the fateful day, he was attacked by five haircut boys, three were having datar in their hand, one was having gandasi. It is further alleged that the fifth person i.e. the unarmed boy snatched phone and currency notes from the complainant and when he resisted he was hit with the rear side of gandasi and datar by the aggressors.

3. Counsel for the petitioner submits that the only evidence so far as against the petitioner is in form of his own statement that too in

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police custody and the alleged identification made by the complainant in police station which is not outcome of any test identification parade. Further reliance is being placed upon order dated 04.10.2023 passed in CRM-M-42926-2023 whereby co-accused namely Nikhil @ Gill has been granted concession of regular bail. Petitioner is in custody since 02.05.2023. Challan stands presented, thus there cannot be any apprehension that the petitioner shall tamper with the evidence and his custody cannot be prolonged as a punitive measure.

4. Learned State counsel is not in a position to dispute the afore-mentioned factual assertions made by counsel representing the petitioner based on record.

5. Having heard rival contentions and after going through the records of the case carefully, taking cumulative effect of all the aforesaid factors and without commenting on the merits of the case, 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.

6. 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

21.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No