

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

CRM-M-56951-2023

Date of Decision:-20.11.2023

Karan.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Gaurav Partap S. Pathania, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, DAG 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 324, 341, 148, 149, 120-B IPC Later on Sections 326, 201 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 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.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. There is a delay of 03 days in the registration of the FIR. It is a case of version and cross version. Be that as it may, taking the allegations to be correct no role had been attributed to the petitioner other than him holding a baseball bat. As the petitioner was in custody since 4.10.2023 and one of his co-accused had been granted the concession of anticipatory bail, the petitioner 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. She however, concedes that no specific role has been attributed to the petitioner as also the fact that the petitioner is in custody since 04.10.2023 and that a similarly situated co-accused has been granted the concession of 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. A similarly situated co-accused has been granted the concession of anticipatory 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-**Karan** son of Sh. Hem Raj 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 20, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>