

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

**CRM-M-62574-2023
Date of Decision:18.12.2023**

Rohit Kumar Sharma

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 39 dated 05.03.2023, registered under Sections 323,379-B,34 of IPC and offence under Sections 392,411,201 of IPC added later on, Police Station City Fazilka, District Fazilka.

2. The FIR in the present case was registered on the basis of the statement made by Akashdeep Singh son of Harjinder Singh. As per him at about 08.30 p.m. on 04.03.2023, he was going home on his motorcycle and when he reached at 1 killometer ahead of gate of police line, Fazilka, three boys came on a motorcycle and the complainant was waylaid by them. One of the boys gave a blow with the Kirpan on the left side of his head, which did not hit him. Second boy gave a blow with Kappa, which hit on the left side below his eye. The said assailants again gave a blow with Kirpan on his left cheek and

also gave a blow with Kappa which hit on the left side of the face and other assailants again gave him blow with Kirpan, which hit on the left elbow and he fell on the road alongwith his motorcycle and all the three motorcycle riders had snatched his motorcycle, mobile phone MI company and a wallet containing Rs. 400/-. He had suffered the injuries and one villager who was passing from there, informed his family.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 25.07.2023 and is in custody for the last about 05 months. He further contends that similarly placed co-accused Surjit Singh @Killi have already been granted the concession of bail by this Court vide the order dated 20.11.2023 (Annexure P-2) in CRM-M-57381-2023 and on parity also, the petitioner is also entitled for concession of grant of bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the present petitioner had actively participated in the commission of crime and the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. From the submissions made by learned counsel for the parties, it is evident that in the present case, the petitioner has been incarcerated for the period of about 05 months. Even the injuries suffered by the injured in the present case are simple in nature and the challan has already been presented before the competent Court. Thus, the conclusion of the trial will take long time.

7. Without commenting on the merits of the case, the present petition

is allowed. The petitioner is ordered to be released on bail pending trial on his
furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate.

18.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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