

CRM-M No.63786 of 2023

2023:PHHC:165600

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

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CRM-M No.63786 of 2023

Date of Decision: 22.12.2023

MANISH KAPOOR**.....Petitioner****Vs****STATE OF PUNJAB****....Respondent****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Ms. Divya Gulati, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.0162 dated 07.11.2022 registered under Sections 436 & 427 IPC at Police Station Majitha Road, District Amritsar.
2. Learned counsel for the petitioner submits that petitioner was never named in the FIR originally, but was implicated on the basis of disclosure statement made by one of the co-accused and CCTV footage.
3. Custody certified filed by learned State counsel is taken on record.
4. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner was the part of unruly mob which actively participated in the incident of damaging the car besides putting one shop on fire.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

6. In the present case, the petitioner was never named in the FIR though was implicated on the basis of disclosure statement made by co-accused and CCTV footage and the evidentiary value of the said disclosure is yet to be determined at the stage of trial. Similarly placed co-accused namely Rajinder Sehdev @ Monu Sehdev and Hardeep Sharma have already been granted the concession of regular bail by this Court.

7. Considering the fact that the petitioner has already suffered incarceration for a period of more than 01 month and 26 days and similarly placed co-accused have already been granted concession of regular bail as well as the fact that trial is likely to take sometime, I do not find any justification to extend the incarceration of the petitioner.

8. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

December 22, 2023
Atik

(HARKESH MANUJA)
JUDGE

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