

205/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:22.03.2024

(i) CRM-M-11479-2024

Nidhark Singh Virk	vs.	...Petitioner
State of Punjab		...Respondent

(ii) CRM-M-11512-2024

Sukhdev Singh @ Sebi	vs.	...Petitioner
State of Punjab		...Respondent

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

Present : Mr. Arshdeep Singh Brar, Advocate
 for the petitioner (in both petitions).

 Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-11479-2024, titled as Nidhark Singh Virk Vs. State of Punjab and CRM-M-11512-2024 titled as Sukhdev Singh @ Sebi Vs. State of Punjab, whereby the petitioners have prayed for grant of bail to them in case FIR No. 241 dated 27.11.2023 registered under Sections 307, 148, 149 of IPC and Sections 25, 27 of Arms Act, at Police Station City South, Moga.
2. Learned counsel for the petitioners contends that Nidhark Singh Virk, petitioner was not named in the FIR and has been subsequently named only on the basis of suspicion. Learned counsel further contends that even as per the case of the prosecution, the petitioner was empty handed and was simply present at the place of occurrence. Learnd counsel further contends that

Sukhdev Singh alias Sebi (petitioner in CRM-M-11512-2024) is shown to be armed with DANG (stick), however, no specific injury has been attributed to him. Learned counsel further contends that fired arm injury is attributed to Chaina, who has already been arrested with Harman Singh Virk. Learned counsel further contends that no recovery is to be effected from them in the present case and their custodial interrogation will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that Sukhdev Singh alias Sebi has been specifically named by the complainant in the FIR. Even during the course of investigation, the involvement of Nidhark Singh Virk has been found and the petitioners do not deserve the concession of bail by this Court.

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

5. As per case of the prosecution, it has been alleged that Nidhark Singh Virk was simply present at the place of occurrence and no injury has been attributed to him, he stated to be empty handed, whereas, on the other hand, Sukhdev Singh @ Sebi even though is stated to be armed with a stick, but no specific injury has been attributed to him.

6. Consequently, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.03.2024
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(N.S.SHEKHAWAT)
JUDGE

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