



CRM-M-16664-2024

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**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-16664-2024
Decided on : 31.07.2024

Petha @ Sahil Mehra

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Sarbjit Singh, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in FIR No.132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148 and 149 IPC (Sections 212, 216, 120-B, 473 IPC and 25, 27, 54 and 59 of Arms Act were added later on) registered at Police Station D-Division Police Commissionerate Amritsar District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 13.11.2023 in a case of false implication. In support, learned counsel has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1, and argued that a perusal of the same reveals that although the



petitioner was named therein, however, even as per the admitted case of the complainant, he was unarmed and there was no specific attribution qua his participation in the crime in question wherein one person lost his life and two others sustained injuries. It has been argued by the learned counsel that the occurrence, which took place in the intervening night of 12/13.11.2023, was in fact a case of sudden fight between two groups in which both the sides received injuries at the hands of each other. Learned counsel has further submitted that the investigation in the present case is complete as challan stands presented, however, since as many as 33 prosecution witnesses have been cited, there is no likelihood of the trial concluding in the near future as even charges have not yet been framed till date.

3. Per contra, learned State counsel assisted by counsel for the complainant has opposed the prayer made by learned counsel for the petitioner and submitted that no doubt, the petitioner was stated to be unarmed at the time of alleged occurrence, however, subsequently a recovery of one pistol along with magazine and live cartridges were effected from him. Learned State counsel has not disputed that it is a case of version and cross-version and no specific role much less injury has been attributed to the petitioner in the crime in question. However, State counsel has submitted that the petitioner was a part of the unlawful assembly and had been named as an accused at the first instance itself. Learned State counsel, on instructions from Inspector



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Mohit Kumar, has not disputed the stage of trial.

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

5. In the facts and circumstances as enumerated hereinabove, since no specific role, much less injury, has been attributed to the petitioner in the crime in question, which prima facie, comes across as a sudden clash between two groups, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

31.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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