



CRM-M-17565-2024

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223/1 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17565-2024
Decided on : 31.07.2024

Arjun Ubey

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. G.K.Mann, Sr. Advocate with
Mr. Anmol Jeevan Singh Gill, 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 201, 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 Senior counsel for the petitioner submits that as per the allegations levelled in the FIR in question itself, the petitioner was unarmed and no role much less any injury has been attributed to him. Learned Senior counsel has submitted that the petitioner



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was just a passerby and therefore, in the firing which took place in the occurrence, he too received a fire-arm injury on his person. It has been further submitted by the learned Senior counsel that after the petitioner was arrested on 06.01.2024, investigation qua him had concluded leading to the presentation of the challan. Hence, further incarceration of the petitioner would serve no useful purpose as 42 prosecution witnesses have been cited and thus, the trial would take considerable time to conclude.

3. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer made by learned counsel for the petitioner has not disputed the submissions made by the counsel opposite that no specific role much less injury has been attributed to him in the occurrence, which took place in the intervening night of 12/13.11.2023. It has also not been disputed by the State counsel on instructions from Inspector Mohit Kumar that the petitioner received a bullet injury on his arm in the occurrence in question. However, it has been asserted that it is a case of version and cross-version wherein both sides received injuries at the hands of each other and in the FIR, one person lost his life and two others sustained fire arm injuries.

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

5. Prima facie, it comes across as a case of sudden occurrence wherein both the parties attacked each other with lethal weapons; in the FIR version one person lost his life while in DDR



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version, two sustained fire arm injuries at the hands of complainant party herein. The trial would take considerable time to conclude as charges are likely to be framed on the next date of hearing.

6. In the facts and circumstances as enumerated hereinabove, 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.

7. 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.

8. 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