



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

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CRM-M-22957-2024

Date of Decision.:13.05.2024

Mayank Mahajan @ Mayank

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.38 dated 03.02.2023 registered under Sections 365, 384, 148, 149 of the IPC and Section 25/27/54/59 of Arms Act (Sections 411, 364-A, 120-B of the IPC added later on) registered at Police Station Sadar, Amritsar.

2. This is the second petition. The earlier petition bearing No.CRM-M-33160-2023 (O&M) was dismissed as withdrawn vide order dated 18.07.2023 (Annexure P-1).

3. Learned counsel contends that after dismissal of the earlier petition, the circumstances have changed inasmuch as 02 material witnesses namely Shivam Sood and Anil Sood have since been examined by the prosecution and none of them have supported the prosecution case and on that basis even the co-accused Ajay Singh @ Negi has already been allowed bail by this Court vide order dated 29.04.2024 passed in CRM-M-45149-2023 (Annexure P-3).

4. Notice of motion.



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5. Mr. Iqbalpreet Singh, AAG, Punjab accepts notice on behalf of respondent- State.
6. Learned State counsel could not refute any of the aforesaid contentions.
7. It is also conceded that case of the petitioner is on similar footing as that of co-accused Ajay Singh @ Negi. The order dated 29.04.2024 passed in CRM-M-45149-2023 (Annexure P-3) pertaining to co-accused Ajay Singh @ Negi would reveal that the material witnesses namely Shivam Sood as well as his father Anil Sood did not support the prosecution version and made their statements during trial that they could not identify the accused persons present in the Court.
8. Apart from above, the custody certificate placed on record by learned State counsel would reveal that petitioner is in custody for the last 01 year 02 months and 08 days. He has no other criminal case pending against him.
9. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, particularly on the basis of parity, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

May 13, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No