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

CRM-M-23240-2024

Date of Decision:- 22.08.2024

DILBAR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Puneet Pali, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Dilbar has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.84 dated 09.06.2023 under Section 307, 386, 452, 34, 379, 411 IPC and Section 25-54-59 Arms Act, registered at Police Station Balongi, Tehsil Kharar, District SAS Nagar, Mohali.

2. Brief facts of the case are that complainant Rohit Gupta @ Sonu gave his statement that he is owner of JMD Store i.e. a gift shop in village Jhampur, District SAS Nagar. On 08.06.2023 at about 8.45, when he was preparing to close his shop and his workers were switching off the light suddenly two clean shaven boys in the age group of 23 to 25 years entered his shop. One boy was holding a knife and another was holding pistol. The



boy holding pistol fired towards him with the intention to kill him. He fired three bullets and one of the bullet hit on his left foot. The said assailants told him to receive their call and to pay the amount as demanded by them. Thereafter said boys left the spot on motorcycle driven by third person. He was taken to Civil Hospital, Sector-16, Chandigarh and further referred to PGI, Chandigarh for treatment.

3. Learned counsel for petitioner argued that FIR was registered against unknown persons. He was not named in the FIR. Later-on he was arrested on the statement of co-accused. The allegations levelled against him are false. He has not committed any offence. At present, challan has been presented and the case is pending for prosecution evidence. Other co-accused namely Manish Saini @ Mani, Deepak Kumar @ Deepu, Gaurav, Manveer Singh @ Manveer Rana, Rohit Kumar @ Pinu, Nikhil Kumar and Dikshant @ Dikshu have been granted bail by this Court which are Annexures P-3 to P-9. Present petitioner will abide by the terms of bail order. It is prayed that his regular bail may be allowed.

4. Bail application is opposed by learned counsel representing the State of Punjab. Status report is filed. It is argued that present petitioner was nominated on the basis of interrogation carried out from the other accused. He was arrested in another FIR No.514 dated 24.07.2023 under Section 25 of Arms Act, Police Station Thanesar, Haryana and after obtaining production warrants he was arrested in this case. His police remand was obtained on the basis of his disclosure statement, two pistols make .30 Bore Local were recovered. Challan has been presented on 22.09.2023 and the case is pending for arguments on charge. It is pointed out that he is involved in two other cases. Allegations are serious.



Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Present petitioner was arrested while he was in custody in some other case. He is behind the bars since 08.08.2023. Challan is already presented. Chargesheet is yet to be framed. Therefore, trial in this case is likely to take some time. Learned counsel for the petitioner has placed on record copies of bail orders granted by this Court in favour Manish Saini @ Mani, Deepak Kumar @ Deepu, Gaurav, Manveer Singh @ Manveer Rana, Rohit Kumar @ Pinu, Nikhil Kumar and Dikshant @ Dikshu (Annexure P-3 to P-9). Therefore, considering the allegations, without expressing my mind on the merits of case, bail application is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

6. The petition stands accepted.

7. Pending application (s) if any also stands disposed of.

22.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No