



237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24026-2024
Date of decision : 20.05.2024

BHARAT SHARMAPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.132 dated 07.09.2022 registered for the offences punishable under Sections 379, 336, 160 and 120-B of IPC and Section 379, 411 IPC and Sections 25-54-59 of Arms Act were added later on at Police Station Division No.3, District Ludhiana.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the case of the prosecution, the FIR came into being on the basis of secret information alleged to have been received by SI Kulwinder Singh that on 7th of November, 2022 during night at about 1.00



A.M. two groups owing allegiance to Shubham Aroa @ Shubham Mota and Puneet Bains came face to face. Both the gangs were armed with deadly weapons and attacked each other. The situation became tense as the residents of the locality feared for their lives and property.

4. Counsel for the petitioner submits that there is no allegation that any injury was caused to any person. There is no eye-witness to the whole occurrence and presence of the petitioner is also debatable. He further relies upon orders dated 14.03.2023 passed in CRM-M Nos.93 & 2388 of 2023, dated 17.04.2023 passed in CRM-M No.14908 of 2023, dated 29.05.2023 passed in CRM-M No.15611 of 2023, dated 02.08.2023 passed in CRM-M No.36507 of 2023, dated 15.11.2023 in CRM-M No.55963 of 2023 and that dated 03.04.2024 passed in CRM-M No.11063 of 2024 whereby co-accused namely Shivam Mota alias Shubham Arora & Rishabh Benipal @ Nannu, Vishu Kainth, Namit @ Naveet Sharma, Sarabjot Singh @ Raja Bajaj , Jatin Moga @ Jatin Monga @ Trendi and Deepu Kumar @ Deep stand admitted to bail. Petitioner is behind bars for more than 1 year, 8 months and 9 days by now.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

6. I have heard counsel for the parties and have gone through records of the case.



7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the allegations levelled against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 20, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No