



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

1 (227) CRM-M No.30449 of 2024  
Date of decision: **September 23<sup>rd</sup>, 2024**

Akash Kumar .....Petitioner  
Versus

State of Punjab .....Respondent

2 (237) CRM-M No.45317 of 2024 (O&M)  
Sameer and another .....Petitioners  
Versus

State of Punjab .....Respondent

3 (240) CRM-M No.46352 of 2024 (O&M)  
Ravi Kumar @ Ravi .....Petitioner  
Versus  
State of Punjab .....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. K.K. Saini, Mr. Abhishek Saini and  
Mr. Sharma Raj Kumar Mangal Sain, Advocates  
for the petitioner (in CRM-M-30449-2024).  
  
Mr. Samay Sandhawalia, Advocate  
for the petitioners (in CRM-M-45317 & 46352-2024).  
  
Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

This order shall dispose of the above-mentioned petitions filed  
under Section 439 of the Code of Criminal Procedure, 1973, for grant of  
regular bail to the petitioners, as they arise out of same FIR i.e.  
FIR No.59 dated 28.03.2024 under Sections 323, 324, 458, 341, 307, 506,



148, 149 and 379-B of the IPC registered at Police Station City Rupnagar.

2. Learned counsel for the petitioners while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, have submitted that a perusal of the same clearly reveals that neither were the petitioners named therein nor any role attributed to them in the occurrence in question; petitioners Akash Kumar and Ravi Kumar came to be nominated as an accused after eight days of the alleged occurrence by way of a supplementary statement recorded under Section 161 of the Cr.P.C. by the complainant, whereas petitioners Sameer and Vikrant @ Babbu were named in the disclosure statement of co-accused Ravi, who too was named as an accused in the supplementary statement. Learned counsel have still further submitted that in the aforementioned facts and circumstances, further incarceration of the petitioners would serve no useful purpose as other than petitioner Ravi, who is booked in one criminal case under Section 324 of the IPC, they do not have any previous criminal antecedents, coupled with the fact that the investigation is complete and even charges framed. It has also been submitted by the learned counsel that the case is being adjourned repeatedly before the trial Court as the prosecution witnesses have not been appearing to get their evidence recorded. So much so on the last date of hearing also i.e. on 16.09.2024, the prosecution witnesses had failed to appear before the trial Court.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that



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the petitioners were not named in the FIR in question, which has been annexed as Annexure P-1. However, it has been submitted that in the supplementary statement, it had been stated by the complainant that the petitioners were also present along with co-accused, when the complainant party were inflicted injuries.

4.
- On a further query, learned State counsel has not disputed that the petitioners do not have any previous criminal antecedents.
5.
- I have heard learned counsel for the parties and perused the material placed on record.
6.
- The petitioners have been in custody as detailed below:-

|                  |                            |            |
|------------------|----------------------------|------------|
| CRM-M-30449-2024 | Akash Kumar                | 01.04.2024 |
| CRM-M-45317-2024 | Sameer and Vikrant @ Babbu | 23.04.2024 |
| CRM-M-46352-2024 | Ravi Kumar @ Ravi          | 22.04.2024 |

The only role attributed to the petitioners in the crime in question is of being part of the unlawful assembly, in which the co-accused allegedly inflicted injuries on the person of the complainant party. Investigation in the present case is complete, charges stands framed, however, none of the 23 prosecution witnesses have been examined till date. Hence, the possibility of the trial concluding in the near future seems bleak.

7.
- In the facts and circumstances as enumerated hereinabove, the instant petitions are allowed. The petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However,



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

September 23<sup>rd</sup>, 2024  
*Puneet*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No