

307

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30751-2024
Date of decision:-01.10.2024

GOTAM ALIAS GAUTAM

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.P.S.Jammu, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed affidavit dated 26.09.2024 of Commissioner of Police, Ludhiana, the same is taken on record.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
54	03.04.2024	326, 324, 341, 148, 149, 427, 506 IPC	Tibba, District Ludhiana

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on



the alleged disclosure statement made by co-accused Sunny to whom the main injuries had been attributed. He contends that said Sunny has since been granted concession of bail vide order dated 23.05.2024 passed by Principal Magistrate, Juvenile Justice Board, Ludhiana. He contends that no specific overt act has been attributed to the petitioner and is in custody since 03.04.2024. He submits that the injured has since been discharged from hospital and after completion of investigation challan has already been presented in Court where it is pending trial and none out of 18 witnesses cited by the prosecution has been examined. Hence he prays for grant of bail to the petitioner.

5. *On the other hand*, learned State counsel assisted by ASI Kamaljit Singh have submitted that the petitioner has actively participated in the occurrence in throwing empty glass bottles, as such do not deserve concession of bail. However he admitted that no specific injury is attributed to the petitioner and the injured has since been discharged from hospital. He also admitted that 18 witnesses have been cited by the prosecution but till date none of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution one Sunny happens to be the main accused who alongwith some unknown persons alleged to have caused injuries to the injured with the Kirpan. Consequent upon his arrest he made disclosure statement that the petitioner was one of the unknown persons who had thrown empty glass bottles at the place of occurrence and accordingly the petitioner was arrested on 03.04.2024. Admittedly no



specific overt act has been attributed to the petitioner nor any specific injury is alleged to have been caused by him. Admittedly, accused Sunny has since been granted concession of bail vide order dated 23.05.2024 passed by Principal Magistrate, Juvenile Justice Board, Ludhiana. The injured has since been discharged from the hospital and after completion of investigation, challan has already been presented in Court where it is pending trial and till date none of the 18 witnesses cited by the prosecution has been examined. The conclusion trial, to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

01.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |