



CRM-M-32997-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-32997-2024
Decided on: 07.08.2024

Karan Sharma

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Saurabh Arora, Advocate
for the petitioner(s).

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.21 dated 02.03.2024, under Sections 323, 324, 307, 341, 506, 148 and 149 IPC, registered at Police Station Basti Jodhewal, District Ludhiana.

2. Learned counsel for the petitioner submits that allegedly the petitioner along with co-accused had attacked the complainant with the baseball bat and inflicted injuries upon him. The injuries attributed to the petitioner are simple in nature and on the non vital part. There is delay of 34 hours in registration of FIR. The petitioner is a 19 years old boy with clean antecedents. He further submits that co-accused Arpan Sharma had been granted concession of bail by Principal Magistrate, Juvenile Justice Board, Ludhiana vide its order dated 15.03.2024 (Annexure P-5).

3. Per contra learned State counsel has put in appearance and submits that the petitioner was actively involved in the commission of the offence. He has filed custody certificate dated 05.08.2024 in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 05 months and 02 days and is not involved in any other case. He on instructions from the concerned investigating officer

**CRM-M-32997-2024**

2

submits that charges were framed on 06.08.2024 and till date, no prosecution witness has been examined. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed on 06.08.2024. The petitioner is 19 years old boy and has undergone an actual custody of 05 months and 02 days. The injuries attributed to the petitioner are on the non vital part and are simple in nature. Further incarceration of the petitioner will not serve any useful purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(I) The petitioner will not tamper with the evidence during the trial.

(II) The petitioner will not pressurize/intimidate the prosecution witness(s).

(III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.

(V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



CRM-M-32997-2024

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

07.08.2024
Kapil

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>