



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 36695 of 2024 (O&M)
Date of Decision: 22.08.2024

Monty Bora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Dr. Pankaj Nanhera, Advocate
Mr. Rahul Gautam, Advocate,
Mr. Navneet Sharma, Advocate and
Mr. Gourav Kamboj, Advocate
for the petitioner.

Mr. Vishnav Gandhi, Deputy Advocate General, Punjab
for the respondent.

Mr. Akshat Dalal, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present (second) petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 376 dated 31.12.2023, under Sections 307, 148, 149, 427, 458 & 506 of Indian Penal Code and Sections 25 & 27 of Arms Act, registered at Police Station City Kharar, District SAS Nagar, wherein he has been implicated with the allegations of having attacked the complainant and his friends alongwith accomplices. Relevant portion taken from the translated copy of FIR is re-produced hereunder:-

“ Stated that I am resident of above-mentioned address and I am studying in B.A. at Gharuan, Chandigarh University. Sahil son of Sheetal Dass, resident of House No. 150, Alipur, P.S. Sadar Hisar, District Hisar (Haryana), who is studying in last year of B Pharmacy and Dilpreet Singh son of Ranjit Singh, resident of Rudarpur, Uttrakhand who is studying in B.A. Class are residing with me. We all three are residing together in aforesaid flat taken on rent. My friend Dilpreet Singh is having his own car Make Creta, bearing registration no. UK06AS-0070 which we used to park usually outside the flat. As usual, today also at about 12.00 midnight we after taking meal were sleeping in our room in the meantime we heard the noises of damaging the cars from outside, upon which I while standing in the kitchen saw that Aayush Rao, Aryan Basant, Ankush Hooda, Mantim Yadav, Raunak Chaudhary, Sahil Yadav, Ujjawal Tyagi and Monty, whom we recognize and there were 5-6 unknown persons with them who were having revolver/pistol, baseball, Danda/sotta, and two persons were having gandasi in their hands; they all badly damaged the above car bearing Registration No. UK06AS-0070 Make Creta and one other car standing nearby bearing registration no. HR12N-5901 Make Honda City which belongs to one Mahender who is owner of flat No. 267. After damaging the above cars, they raised Lalkara against me/my name and threatened to open the bolt of room and today they will kill me. I kept on standing in kitchen as the lights were switched off, in the meantime Dilpreet kept on watching them while opening the door slightly, whereas, Sahli was watching them through window; above said persons started giving abuse to me and kept on extending threats to me of dire consequences. They opened the outer gate of our flat and fired shots upon us indiscriminately after entering into our flat; I saved myself while concealing me in a corner of kitchen. After firing the shots, they damaged the outer

glasses of our flat by Danda/sotta and Gandasi; 3-4 boys from them also entered the upper portion of flats through stairs and they fired shots there too. I noticed that one person was trying to climb at the roof of adjoining flat No. 265, the roof of which was made up of tin but when he was climbing, the tin roof damaged and he fell down in the stairs. I noticed from inside that Aryan Basant and Aayush Rao were firing shots time and again and when they were firing one of the shot hit to their own companion in his stomach, who raised noise and thereafter, they all while taking care of him (injured) took away him from the spot. At that time they went away in Car Make Nissan Manganite bearing No. HR12F-0015 and one Fortuner Car bearing Registration No. HR29X-6745. The empties of fired cartridges, shot by them are lying in the court yard and stairs of our flat. If we would have come out from the flat after opening the door then they would have killed us. All the above assailants were earlier studying in Chandigarh University Gharaun and now they have left studies. The reason behind nursing grudge is that earlier in the month of April 2022 Aryan Basant, Aayush Rao, Ujjawal Tyagi etc. damaged my Scorpio vehicle and they caused injury to Sahil also and for the same we got registered a case FIR against them for attempt to murder.”

[2] Learned counsel for the petitioner submits that the petitioner is a young boy of 21 years' age; student of Law and has been falsely implicated in the present case. He further submits that he is in custody since 01.01.2024 and the conclusion of trial will take long time; thus, prayer is for grant of regular bail to the petitioner.

[3] On the other hand, learned State Counsel assisted by learned counsel for the complainant vehemently opposes the prayer for grant of

regular bail to the petitioner, while referring to the manner in which the incident took place late in the night and the complainant party was attacked in their own house.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

[5] In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges; the petitioner is behind the bars since 01.01.2024, i.e. for the past more than seven months and the conclusion of trial may take some time; besides it, the petitioner is a young boy of 21 years' age and student of Law and even, no specific role has been attributed to him. Also, the present is a case of no injury to the complainant side, whereas on the other hand, one fire arm injury has been inflicted upon the side of assailants. Considering the aforesaid facts, this Court does not find justification to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

[8] Pending miscellaneous application(s), if any, shall also disposed off.

August 22, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No