



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

224

CRM-M-39014-2024

Date of Decision:- 17.12.2024

Gulshan Kumar Paswan @ Gulshan Paswan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rajat Verma, Advocate and
Mr. Vivek Kathuria, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner –Gulshan Kumar Paswan alias Gulshan Paswan has filed present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.75 dated 23.05.2023, under Sections 379-B, 323, 324, 148, 149, 506, 341 of IPC, 1860 (final report presented under Sections 379-B, 323, 324, 506, 341, 201, 394, 34 of IPC), registered at Police Station Balongi, District SAS Nagar, Mohali.
2. As per facts of the case, complainant Deepak gave his statement that on 22.05.2023 after finishing his work, he along with his friend Rohit was present near TDI ground near Adarsh Colony, Balongi. Both of them were having refreshment and thereafter, returning home at about 11:30 PM when they were waylaid by four persons hiding in the bushes. One of the person was known to him as Gulshan. They told him to give everything otherwise they would kill them. Two persons accompanying Gulshan caught

hold of him and Rohit from their arms and took out Rs.2,800/- received by him as his labour charges which he had kept in the pocket of his lower. Gulshan took out some sharp edged object from his dub and gave blow in the abdomen of Rohit. The complainant tried to save Rohit and on this Gulshan gave another blow which hit on his forehead. Gulshan and his companions caused them injuries with stones and bricks lying on the spot. On the alarm raised by them, said persons managed to fled away with their weapon. He was taken to Civil Hospital for treatment by his father. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that in this case challan has been presented on 15.08.2023 and after framing of chargesheet, case is fixed for prosecution evidence. Petitioner is behind the bars since 24.06.2023. Statement of Deepak has been recorded who has not supported the prosecution case. Copy of his statement is Annexure P-3. All the allegations are false. Complainant and his companion received simple injuries. He is ready to abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Status report has been filed confirming the allegations and it is also confirmed that after presentation of challan trial is going on. It is pointed out that there are specific serious allegations against petitioner. There are two injured in this case namely Deepak and Rohit. Considering the gravity of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Present petitioner was arrested on 24.06.2023 and since then he is

behind the bars. Trial is under progress. There is statement of Deepak recorded during the trial as PW-2 (Annexure P-3), where he did not support the prosecution case nor identified the accused. Report is also received from learned Additional Sessions Judge, SAS Nagar, Mohali and statement of Rohit other injured is also recorded as PW-3. Statement of said witness is also annexed who also did not support the prosecution version and failed to identify the accused facing trial in that case. So far as the testimony of these witnesses and other witnesses to be examined during trial will be appreciated at the relevant time by the court concerned. Therefore, without going on the merits of the case and considering the aforesaid factual position, regular bail petition filed by petitioner – Gulshan Kumar Paswan @ Gulshan Paswan is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

17.12.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No