



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-44290-2024

Date of decision: 24.10.2024

Rajiv Kumar alias Pinta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Lalit Goyal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.63 dated 16.11.2023 under Sections 307, 342, 382, 323, 325, 506, 148, 149 of the IPC and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Airport, Amritsar.

2. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR in question which has been annexed as Annexure P-1 nor was any suspicion raised qua his involvement in the occurrence in question which allegedly took place in the *Dhaba* of the co-accused. It has been further argued by learned counsel that the name of the petitioner surfaced in the disclosure statement of Gursahib Singh. It has also been submitted that the petitioner is at par with co-accused Gursahib Singh as well as Harshdeep Singh, who have since been extended the concession of bail



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by this Court. Learned counsel submits that in the aforementioned facts and circumstances, since investigation in the present case is complete and charges also stand framed, further incarceration of the petitioner would serve no useful purpose as prosecution evidence has not yet commenced and is likely to commence on the next date of hearing i.e. 14.11.2024.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI ASI Sulakhan Singh, has not disputed the custody period of the petitioner as well as the stage of trial. It has also not been disputed that the petitioner was not named in the FIR in question and came to be nominated as an accused only in the disclosure statement suffered by co-accused Gursahib Singh. However, It has been asserted by learned State counsel that the petitioner was very much present with the co-accused and was armed with a stick at the relevant time.

4. On a pointed query posed to the learned State counsel as to whether any specific injury has been attributed to the petitioner, he, on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 23.12.2023. The petitioner's name surfaced in the disclosure statement made by co-accused Gursahib Singh, who has since been extended the concession of bail; the petitioner has not been attributed any specific injury on the opposite side nor has any recovery of weapon of offence been effected



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from him. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.10.2024

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(MANJARI NEHRU KAUL)
JUDGE

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