

2024:PHHC:130737



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

**CRM M-48226 of 2024
Date of Decision: 01.10.2024**

Shokat Ali		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Yashpal Thakur, Advocate, for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. On the oral request made by learned counsel for the petitioner, the offence under Section 325 IPC is ordered to be added in the head note of the petition as well as prayer clause of the petition and the learned is permitted to make corrections in the Court itself.
2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.114 dated 25.05.2024 registered under Sections 323, 324, 325, 341, 379-B, 148 and 149 of IPC at Police Station Balongi, District SAS Nagar (Mohali).

3. The FIR in the present case was registered on the basis of the statement made by Deepak Kumar son of late Vijay Kumar. As per the FIR, on 24.05.2024, the complainant alongwith Raj Kumar @ Raj Kumar were going on a motorcycle for collecting the money as the complainant is working as a property dealer. When they reached near Dara Studio, Shokat Ali, Sandeep Bhullar, Pawan and Dadu, who were previously known to the complainant, came there and were armed with kirpans and rods. The present petitioner had given a blow with rod on the left leg of the complainant and thereafter the motorcycle of the complainant had fallen on the ground. In the meantime, Shokat Ali also took the knife and gave blows with knife on the back of Raj Kumar also. With these broad allegations, the FIR in the present case was got registered by the complainant. Learned counsel for the petitioner contends that in the present case, the injured has already been discharged from the hospital and is hale and hearty. The petitioner was arrested in the present case on 08.7.2024 and the investigation has almost concluded against him. He further contends that the offence under Section 379-B IPC has been wrongly added by the police just to make the offence graver. He further contends that the petitioner is not in a position to tamper with the prosecution evidence in any manner.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on

the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail. However, he admits that the petitioner has no criminal background.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner is in custody for the last more than 02 months and the recovery have already been effected from him. Moreover, the injured has already been discharged and all the offences except the offence under Section 379-B IPC are bailable in nature. Moreover, the conclusion of the trial may take quite a long time and no purpose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

01.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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