



CRM-M-48390-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233 CRM-M-48390-2024
Date of decision: 1st October, 2024

Ashok Kumar ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Gupta, Advocate for the petitioner.
Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
174	02.07.2024	Sahnewal, District Police Commissionerate, Ludhiana	323, 341, 506, 148 and 149 of IPC (Offences under Sections 324, 325, 120-B and 379-B of IPC added later on)

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Amandeep Singh on 02.07.2024 alleging therein that on



28.06.2024, he was returning home after attending some bhog ceremony at the Gurudwara Sahib of his village. When he reached in front of house of former Sarpanch Ram Asra, he found the said Sarpanch while talking with the petitioner and the co-accused. When he was crossing them, they started hurling abuses to him and proclaimed that the complainant should not be spared and be eliminated. Hearing so, the complainant felt scared and started moving fastly. He heard them while telling someone on mobile phone that the complainant was on the way towards them and he should not be spared. When the complainant was proceeding towards his house, he heard some voice and on turning back, found the co-accused Subham @ Shubhu along with one youth unknown to him standing there armed with weapons. They intercepted him and opened an assault upon him by striking blows with iron rod and wooden stick. Rescue alarm raised by him attracted some persons who rushed to save him and then the assailants fled away. The complainant alleged that there was dispute between the family of accused Subham and his family over some property which was cause of grudge for accused Subham @ Shubhu who in connivance with the petitioner and co-accused had tried to kill him. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested. Offence under Section 379-B of IPC was added during the course of investigation as against the co-accused Subham @ Shubhu. Investigation is still going on. Today on oral request of learned counsel for the petitioner, to add the offences under Sections 324, 325 and 120-b of IPC as they have been added during the course of investigation, these offences are ordered to be added in the headnote of the



petition.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to political rivalry. No specific overt act or injury has been attributed to him. All the injuries have been attributed to co-accused Subham and one unknown person. The provisions of Section 379-B of IPC are not attracted against him. He is in custody since 22.08.2024. The co-accused Rutveer Singh whose case is on similar footing has been extended benefit of bail. On parity, the petitioner too deserves to be given the same benefit. The subject offences are not made out against him. The investigation and trial are likely to take time. No useful purpose would be served by detaining him in custody. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Learned State counsel who has advance notice of the petition is ready to argue the matter. It is argued by learned State counsel that there are serious and specific allegations against the petitioner who by forming membership of an unlawful assembly with the co-accused had assaulted the complainant, caused injuries to him, snatched his mobile and had criminally intimidated him. It is submitted that there are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner along with some of the co-accused is alleged to have hurled abuses to the complainant and is further alleged to have



proclaimed that the complainant should not be spared. However, neither any specific injury has been attributed to him nor it is the case of the prosecution that he was one of the persons who had inflicted injuries on the person of the complainant on the fateful day. More so, it is not the allegation against him that he had snatched anything from the complainant thereby attracting Section 379-B of IPC. His custodial interrogation is no more required. The investigation and trial are likely to take time. As such, no purpose would be served by detaining him in custody any more. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |