



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

**CRM-M-59774-2024  
Date of Decision: 04.12.2024**

Shehbaz Khan @ Goma

...Petitioner

vs.

State of Punjab

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Ms. Dhivya Jerath, Advocate  
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

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**N.S.Shekhawat J.**

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 83, dated 25.05.2020, registered under Sections 302,307,506 and 34 of IPC and Sections 324,379,411,483,120-B and 212 of IPC were added later on, Police Station City-1, Malerkotla, District Sangrur, Punjab.

2. The FIR in the present case was registered on the basis of the complaint made by Mohd. Dilshad, who alleged that his younger brother Mohd. Shamshad alongwith Mohd. Aslam were going to the house of his friend Ashraf @ Soni Pehalwan. On 25.05.2020 in connection with Eid party, at about 03.00 P.M., he was also going towards the Mosque near Jamalpura Pakka Darwaza for purchasing a bottle of cold drink, he saw that Shehbaz @ Goma, present petitioner, Rehman and Sohail @ Machhar, co-accused reached there on two motorcycles and encircled Mohd. Shamshad and Mohd. Aslam near the Mosque



and started abusing them. They exhorted that they would teach him a lesson for misbehaving with them. Mohd. Shamshad and Mohd. Aslam rushed towards the house of a lady, however, assailants also entered her house, while chasing them. Sohail @ Machhar, co-accused took out Bugda (sharp edged weapon) and gave a blow on the back side of the right ear of Mohd. Shamshad. As a result, Shamshad fell down and blood started oozing out. The complainant and Mohd. Aslam, tried to rescue his brother Rehman and Shehbaz @ Goma, present petitioner caused number of knife blows on various parts of body of Mohd. Shamshad. Shehbaz, the present petitioner also gave a knife blow on the right shoulder of Mohd. Aslam, who ran inside in order to save himself. The complainant saved his brother from the assailants by making repeated requests to them. On seeing them, several persons gathered at the spot. The accused fled from the place of occurrence alongwith their respective weapons and also extended threats while leaving the place. The main dispute in the present case was that Rehman owed an amount of Rs.6,000/- to Mohd. Shamshad, since deceased, which he had refused to return. With these broad allegations, the FIR was registered in the present case.

3. Learned counsel for the petitioner contends that in the present case, the petitioner was allegedly armed with a knife, but as per the challan, no blood stains were found on the knife nor it was sent to FSL. He further contends that the main injury is attributed to Sohail @ Machhar, who had caused injury on the backside of the head of the deceased and has been granted the concession of bail vide order dated 01.10.2024 (Annexure P-3). He further contends that the similarly placed co-accused Bablu @ Mohammad Danish and Rehman @



Mohd. Rehman have also been granted the concession of bail by this Court. The petitioner was arrested in the present case on 26.05.2020 and is in custody for the last more than 04 years and 06 months.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and he is not entitled for the concession of regular bail.

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

6. In the present case, it is not in dispute that other co-accused Sohail Akhtar @ Machhar, Rehman @ Mohd. Rehman and Bablu @ Mohammad Danish have been granted the concession of bail by this Court vide orders (Annexures P-3 to P-5), respectively. Still further, the petitioner is in custody for the last more than 04 years and 06 months. Thus, no purpose will be served by sending the petitioner behind the bars.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

*(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

*(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

*(iii) The petitioner shall not absent himself from the Court*



*proceedings except on the prior permission of the Court concerned.*

*(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

*(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

*(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

*(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

*(viii) The petitioner shall report on every 1<sup>st</sup> and 3<sup>rd</sup> Monday of English calendar month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

**8.** In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

04.12.2024  
hitesh

**(N.S.SHEKHAWAT)**  
**JUDGE**

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