

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

**CRM-M No. 64 of 2024 (O&M)
Date of Decision: 11.01.2024**

Surinder Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arshdeep S. Khaira, Advocate,
for the petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail pending trial in case FIR No. 162, dated 07.11.2022, under Sections 427 & 436 of IPC, registered at Police Station Majitha Road, District Amritsar, wherein, the petitioner has been arrayed as accused with the allegations that he along with an unruly mob damaged the Swift Car besides a readymade Garment shop, being run under the name and style of “Race the Fire of Fashion” belonging to the victims.

[2] Learned counsel for the petitioner, inter alia, submits that the petitioner is in custody since 26.10.2023 and similarly placed co-accused have already been granted the benefit of concession of regular bail.

[3] Learned State Counsel vehemently opposes the prayer made herein while submitting that the victims who happened to be two brothers of Sandeep Singh, allegedly involved in an incident dated 04.11.2022, were specifically targeted by an unruly mob involving active participation of the petitioner followed by hate speech by co-accused Rahul Sharma against a particular community. It has also been submitted that in fact, an effort was made to even eliminate the victims i.e. the two brothers of Sandeep Singh. It has also been pointed out that out of total 8 accused in the present FIR, only 5 have been arrested so far and the Investigating Agency has not been able to catch hold of the remaining three accused who are still at large.

[4] I have heard learned counsel for the parties and gone through the paper-book.

[5] As a matter of fact, one of the co-accused namely Rahul Sharma has already been granted concession of regular bail by the Court of learned Addl. Sessions Judge, Amritsar besides, one Rajinder Sehdev @ Monu Sehdev and Hardeep Sharma having been granted similar benefit by this Court vide orders dated 04.12.2023 & 13.12.2023 passed in CRM-M-59827-2023 & CRM-M-61575-2023 respectively, and the petitioner is already behind the bars since 26.10.2023.

[6] In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, however, the petitioner shall

undertake not to extend any threat to the victims who happened to be the brother of Sandeep Singh.

[7] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

January 11, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>