



253

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

CRM-M-63491-2024

Date of Decision:19.12.2024

GAGAN @ GAGAN BHAIYA**...PETITIONER****VS.****STATE OF PUNJAB****...RESPONDENT****Coram : Hon'ble Mr. Justice N.S.Shekhawat**

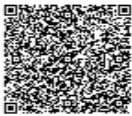
Present : Mr. Onkar Singh Batalvi, Advocate with
Mr. Damanjeet Singh Batalvi, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, with a prayer to grant regular bail to him in case FIR No.076 dated 29.07.2024, registered under Sections 118 (1), 118 (2), 192(3), 190 of BNS, Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been nominated as an accused in the present case on the basis of the disclosure statement suffered by Shiva Gill, main accused. He further contends that the injured has already been discharged from the hospital and even during the course of investigation, no specific role was attributed to the present petitioner. He further contends that the occurrence had taken place on 04.07.2024 and the FIR in the present case was registered on



29.07.2024 and the possibility of false implication of the accused in the present case cannot be ruled out. Learned counsel further contends that even the medical evidence in the present case was apparently manipulated by the injured.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. In the present case, apparently there is delay of 25 days in registration of the FIR. Still the petitioner was not named as one of the accused in the present case and has been nominated as an accused only on the basis of the statement suffered by Shiva Gill in police custody and such a statement carries weak evidentiary value. The prosecution is yet to lead evidence with regard to the complicity of the petitioner in the present crime.

6. Without discussing any further on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

19.12.2024
vipin

(N.S. SHEKHAWAT)
JUDGE

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