



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

236

CRM-M-13513-2025

Date of decision: May 20th, 2025

Nitish Sharma alias Nishu alias Nitish Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. G.K. Mann, Senior Advocate
with Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148, 149, 212, 216, 201 and 120-B of the IPC and Sections 25, 57, 54, 59-A of The Arms Act, 1959, registered at Police Station D Division, District Police commissionerate Amritsar.

2. Learned senior counsel for the petitioner submits that it is apparent that it is a case of sudden quarrel, wherein both the parties received injuries at the hands of each other. While drawing the attention of this Court to the allegations levelled in the FIR, learned senior counsel has submitted that the petitioner has not been attributed any injury in the occurrence in question much less on the deceased. Rather, the only allegation against the petitioner is that his licensed weapon was used by co-accused Simranjit Singh in the alleged occurrence;

co-accused Simranjit Singh thereafter fired at the foot of injured Ramandeep Singh. Learned senior counsel has also further submitted that after the petitioner was arrested on 27.11.2024, investigation stands completed as he has already been chargesheeted. Learned senior counsel has submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as charges are yet to be framed, coupled with the fact that as many as 42 prosecution witnesses have been cited, which leaves no manner of doubt that the trial is unlikely to conclude in the near future.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that it indeed comes across as a case of sudden occurrence between two armed groups.

4. On being pointedly asked, learned State counsel, on instructions from Inspector Neeraj Kumar, has not disputed that the petitioner has not been attributed any injury or direct role in the occurrence in question and his involvement in the alleged occurrence is only qua his licensed weapon having been used by one of the co-accused to inflict injury on the foot of injured Ramandeep Singh. Learned State counsel on being pointedly asked, on instructions, has apprised the Court that the petitioner has clean antecedents and is not involved in any other criminal case. On further instructions, learned State counsel has not disputed the custody period of the petitioner nor has he disputed the stage of trial.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 20th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No