



350 (2)

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

**CRM-M-20242-2025
Date of Decision:28.04.2025**

SHIVA

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

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

Present : Mr. Brijeshwar Singh Bhalla, 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 BNSS. with a prayer to grant regular bail to him in case FIR No.77 dated 11.05.2024, registered under Sections 323, 452, 148, 149, 506 of IPC (Sections 325 & 308 IPC added later on), Police Station City South Moga, District Moga.
2. The FIR in the present case was registered on the basis of the statement made by Sanjay Kumar son of Prem Kumar and the same has been reproduced below:-

“Statement of Sanjay Kumar son of Prem Kumar son of Kishan Lal, resident of House No. 458, Street No. 04, Rohgar Basti, Indira Colony, Moga, aged 30 years old, Mobile 8562943000, stated that I am a resident of the aforementioned address and I work as a



laborer in polishing. My father and his brothers are four. The eldest is Subhash Kumar, followed by Prem Kumar (my father), then Raghvir, and the youngest was the late Veer Bhan Danav, who passed away about 2 years ago. He is a son Vansh Bohot and a daughter, Sanjana. My uncle Veer Bhan's son Vansh Bohot, approximately 18 years old, works at Fast Food Hawker Restaurant in Jawahar Nagar, Moga. He usually returns from work around 11:30 PM. On 6.05.2024, I had also returned home from work, eaten, and gone to sleep. At approximately 11:30 PM, I heard a noise in the street and went outside. My uncle Raghvir also came out. The street lights were on. I saw that Prince son of Somnath Khanna, Sameer son of Rinku, Veeru (son unknown), Chahat son of Sonu alias Gattu, residents of Indira Colony, Moga and Shiva son of Shindi, resident of Kotkapura, were attacking my uncle's son, Vansh, with swords. When my uncle and I shouted at them, they all fled away from the spot with their weapons. My uncle and I arranged transport and admitted Vansh to the Civil Hospital in Moga. Due to the severity of his injuries, the doctors referred him to DMC Ludhiana. Later, my brother Amit called and informed us that the same boys had returned to our house, verbally abused our women, and issued threats. Then we took Vansh to DMC Hospital in Ludhiana, where he is currently under treatment. The reason for this animosity can only be explained by Vansh, who is currently unfit to give a statement. I have given this statement, which I have read and heard, and it is correct. SD/- Sanjay Kumar.”

3. Learned counsel for the petitioner contends that as per the FIR, there is no specific attribution to the present petitioner and he was simply shown to be present at the place of occurrence. The petitioner was arrested in the present case on 10.12.2024 and the challan has already been presented against him. He further contends that the injured in the present case has already



been discharged from the hospital. Moreover, the injury, which constituted the offence under Section 308 IPC is not attributed to the petitioner. The petitioner was never involved in any other criminal case.

4. 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.

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

6. It is the admitted case of the prosecution that the petitioner was empty handed and was only standing at the place of occurrence. Apart from that, there is no role has been attributed to the petitioner. The petitioner is admittedly in custody for the last more than four months and challan has been presented against him.

7. Without commenting 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.

28.04.2025
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(N.S. SHEKHAWAT)
JUDGE

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