

2025:PHHC:033960



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220 (two cases)

CRM M-30258 of 2024 (O&M)
Date of Decision: 10.03.2025

(1) Aarif Khan ...Petitioner
Versus
State of Punjab ... Respondent

CRM M-51520 of 2024

(2) Punit Kumar Rav @ Satish ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Aadil Singh Boparai, Advocate
for the petitioner in CRM M-30258-2024.

Mr. Tarun Singla, Advocate, for the petitioner
in CRM M-51520 of 2024.

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

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two bail petitions, i.e., CRM M-30258-2024 titled as “Aarif Khan Vs. State of Punjab” and CRM M-51520-2024 titled as “Punit Kumar Rav @ Satish Vs. State of Punjab”, whereby, the petitioners have applied for grant of regular bail under Section 439 of the Cr.P.C. in case FIR No. 08 dated 02.02.2024 under Sections 307, 458, 380, 427 and 34 IPC and Sections 25 and 27 of Arms Act, 1959 (Section 25 of Arms Act

deleted later on) registered at Police Station City 1 Malerkotla, District Malerkotla.

2. The FIR in the present case was registered on the basis of the complaint filed by Rajat Singla son of Pradeep Kumar and the same has been reproduced below:-

“Duplicate application, "By:- Rajat Singla son of Pradeep Kumar resident of Sooda Mohalla Malerkotla Mobile No. 99140-52554 Against:- Aarif Khan son of Latif Khan resident of Rose Avenue Malerkotla. Subject: For taking appropriate legal action against abovesaid Aarif Khan for hitting the vehicle with intention to kill me and for snatching the keys of Bank by showing pistol. Sir, it is requested that I am a resident of the said address and I am working as a cashier in YES Bank Thandi Sadak Malerkotla. Abovesaid Aarif Khan has a bank account in Yes Bank at Thandi Sadak Malerkotla, who frequents visits our bank, to whom I know very well and Aarif Khan also knows me well as I am posted as cashier in YES bank and Keys of cash room in the bank also happens to be with me. Today on 01-02-2024 at around 08:15 PM but when I was going to my house on my motorcycle number PB 13 AQ 5602, when I reached near HDFC Bank, Thandi Sadak Malerkotla, then Aarif Khan hit my motorcycle with the intention of killing his vehicle Innova bearing number PB 65 AW 0072 and I fell down. Aarif Khan got out of the said vehicle at once with a pistol in his hand, who showed me the pistol and said that give me the key of the cash room, otherwise I will shoot you, meanwhile people gathered at the spot.

Aarif Khan fled from the spot in his car with his pistol. Please take appropriate legal action against Aarif Khan. Your's faithfully Sd/- Rajat Singla.”.

3. Learned counsel appearing on behalf Aarif Khan (petitioner in CRM M-30258-2024) vehemently submits that even though the petitioner has been named in the FIR, but the allegations on the face of it are highly improbable and unbelievable. As per the complainant, the petitioners had hit his car in the motorcycle of the complainant with an intention to kill him and he had fallen on the road, however, surprisingly, the complainant did not suffer an injury and there is no medical record in the present case. Still further, even though, the complainant had not suffered any injury, still, the offence under Section 307 IPC was added without any evidence. Learned counsel further contends that the petitioner was arrested in the present case on 05.02.2024 and is in custody for the last more than 01 year. Even though, one more case, i.e., FIR No. 124 dated 28.08.2024 under Section 21/61/85 of the NDPS Act, Police Station City 1 Malerkotla registered against the present petitioner but the petitioner is admittedly on bail in the said case. Moreover, the charge against the petitioner has already been framed by the trial Court, however, no witness has been examined so far.

3. Learned counsel appearing on behalf of Punit Kumar Rav @ Satish (petitioner in CRM M-51520 of 2024) submits that the

petitioner was not named in the FIR and his name had surfaced subsequently only in the disclosure statement of Aarif Khan, co-accused. Even, no specific attribution is there and the petitioner has been falsely involved. It was a case of no injury and no MLR was recorded. Thus, the offence under Section 307 IPC was wrongly added. Learned counsel further contends that the petitioner was arrested in the present case on 02.02.2024 and is in custody since last more than one year.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that both the petitioners were involved in a serious crime and the petitioners are not entitled to concession of bail in the present case.

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

6. In the present case, it is apparent that both the petitioners are in custody for the last more than one year. Even, as per the allegations, the petitioners had hit the motorcycle of the complainant and the complainant had fallen on the ground. However, as per the admitted case of the prosecution, the complainant had not suffered any injury in the present case. Even, the prosecution has placed reliance on 24 witnesses but no witness has been examined so far. Thus, the custody of the petitioners will not serve any purpose.

7. Without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail pending trial on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate.

8. All pending applications, if any, are disposed off, accordingly.

10.03.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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