



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

CRM-M-45615-2024
Reserved on: 09.01.2025
Date of decision: 14.01.2025

Aayush Yadav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Ms. Geetanjali Bhatia, Advocate for
Mr. Akshat Dalal, Advocate for the complainant.

KARAMJIT SINGH, J.

1. The instant petition under Section 439 Cr.P.C is filed by the petitioner seeking grant of regular bail in criminal case having FIR No.376 dated 31.12.2023, registered under Sections 307, 427, 458, 506, 148 and 149 IPC and Sections 25 and 27 of Arms Act, at Police Station City Kharar, District SAS Nagar.

2. The allegations in nutshell are that on the night intervening 31.12.2023 and 01.01.2024, the petitioner and his companions went in front of the rented flat of complainant Gaurav and started extending threats to him and at that time petitioner and co-accused Aryan Basant fired shots towards the complainant but no one from the complainant side sustained injuries and rather co-accused Mantim Yadav sustained fire arm injury. Thereafter, the accused including petitioner, damaged the cars belonging to complainant and owner of



the flat. During investigation, the petitioner was arrested and got effected recovery of weapon used in commission of crime.

3. The counsel for the petitioner has submitted that the petitioner is falsely implicated in the present case and at the relevant time, he was not available in the area of Kharar. That otherwise also no injury was sustained by the complainant and rather co-accused Mantim Yadav suffered fire arm injury. It has been further submitted that the petitioner is in custody for the last more than 7 months and co-accused Monty Bora and Ujwal Tyagi are already given concession of regular bail vide orders Annexure P-6 and P-7. On conclusion of investigation, the police has presented challan. However, the trial is at its initial stage and thus, further detention of petitioner in judicial custody will not serve any purpose.

4. The present petition is resisted by the State counsel and the counsel for the complainant who filed reply along with documents Annexure C-1 to C-4.

5. The counsel for the State and the counsel for the complainant inter alia submits that the petitioner was member of unlawful assembly and is specifically named in the FIR and he along with his co-accused Aryan Basant fired shots. It has been further submitted that no doubt, the petitioner is in custody for the last more than 7 months but the petitioner is having criminal antecedents and further he is extending continuous threats to the complainant to cause him physical harm. Thus, the petitioner is not entitled to get concession of regular bail.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly, no one from the side of the complainant suffered any

injury at the time of occurrence. During investigation, the petitioner was arrested and is now incarcerated for last more than 7 months. After completion of investigation, police has presented challan, but it will take time for trial to conclude. Co-accused Monty Bora and Ujwal Tyagi who were accompanying the petitioner at the time of occurrence are already enlarged on bail vide orders Annexure P-6 and P-7. No doubt, the petitioner is also involved in some other criminal cases, but in the given circumstances, petitioner cannot be denied bail just on account of his criminal antecedents. Further, no gainful purpose is going to be served by keeping the petitioner in judicial custody for any longer period.

8. For the foregoing reasons, without commenting on the merits of the case, the present petition is allowed and petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court//Chief Judicial Magistrate/Duty Magistrate concerned.

14.01.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

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