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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54623-2024
Date of decision:-17.02.2025

ABHISHEK ALIAS ABHI
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gulzar Mohammad, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023(BNSS), for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
54	03.04.2024	326, 324, 341, 148, 149, 427 & 506 IPC	Tibba, Ludhiana

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner and he was not named in the FIR but was nominated on the disclosure statement of co-accused Sunny who has already been granted concession of bail. He submits that the petitioner is in custody since 24.04.2024, the injured has already been discharged from the hospital and after completion of investigation,



challan has already been presented in Court wherein 18 witnesses have been cited by the prosecution and till date none of them have been examined. He submits that similarly situated co-accused Gotam alias Gautam has already been granted concession of bail vide order dated 01.10.2024 (Annexure P-2) passed by this Court in CRM-M-30751-2024. Hence prayed for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, contend that the petitioner has actively participated in the occurrence for throwing empty glass bottles in the occurrence, hence he deserves no leniency. However, he has admitted that no specific injury is attributed to him and also the fact that the case of the petitioner is similar with co-accused Gotam alias Gautam who has already been granted concession of bail vide order dated 01.10.2024 (Annexure P-2) (supra).

5. After considering the rival contentions and perusing the record, it is observed that as per the case of the prosecution, co-accused Sunny along with some unknown persons had allegedly caused injury to the complainant party with Kirpan and after his arrest, he made disclosure statement naming the present petitioner to be one of the unknown person who had thrown glass bottles in the occurrence, consequently, the petitioner was arrested on 24.04.2024, since then he is in custody. After completion of investigation, challan has already been presented in Court, wherein 18 witnesses have been cited by the prosecution and till date none of them have been examined. Admittedly, no injury has been attributed to the petitioner nor any specific overt act has been attributed to him, the main accused Sunny has since been granted concession of bail vide order dated 23.05.2024 passed



by Principal Magistrate, Juvenile Justice Board, Ludhiana. Further similarly, situated co-accused Gotam alias Gautam has already been granted concession of bail vide order dated 01.10.2024 (Annexure P-2) passed by this Court in CRM-M-30751-2024. In these circumstances, conclusion of trial to ascertain criminal liability, if any will take sufficient long time, and also the fact that no injury is attributed to the petitioner, no purpose would be served by detaining the petitioner any longer

6. Therefore, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

17.02.2025

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No

Yes/No