



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

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CRM-M-55946-2024

Date of decision: May 21st, 2025

Vishal Sethi @ Sharandeep Singh

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navraj Singh, 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.232 dated 23.11.2022 under Section 307, 452, 379, 148, 149, 506, 397 of the IPC and Sections 25, 27 of The Arms Act registered at Police Station Mahilpur, Hoshiarpur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 09.09.2024 in a case of false implication; he was not named in the FIR in question nor was any overt act attributed to him therein by the complainant. The petitioner was nominated as an accused subsequently on the basis of a disclosure statement allegedly suffered by co-accused Aakash, who claimed that he petitioner was accompanying him at the time of the alleged occurrence. It has been argued by the learned counsel that the falsity of the prosecution version against the petitioner is further evident from the fact that subsequently the complainant had given an affidavit qua the

petitioner being innocent and not being involved in the crime in question. It has lastly been submitted by the learned counsel that even otherwise, the investigation stands completed in the present case as not only charge sheet has been presented but even charges have now been framed, however, none of the 22 prosecution witnesses have been examined so far. Hence, further incarceration of the petitioner in the aforementioned facts and circumstances would serve no useful purpose.

3. Mr. Parminder Singh, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

4. Learned counsel for the complainant does not dispute the submissions made by the counsel opposite and also does not oppose the prayer made for extending the concession of bail to the petitioner.

5. Learned State counsel, however, has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1 and stands reproduced hereinunder:

“Statement of Balbir Singh aged 53 years son of Karam Chand resident of Takka, Police Station Una (Himachal Pradesh) presently resident of Shop No. 30 Dana Mandi, Paddi Sura Singh, Police Station Mahilpur, District Hoshiarpur. Mobile No.95018-51719. That I am resident of aforesaid address and working in seeds and medical Shop No. 30, Dana Mandi, Paddi Sura Singh shop of Rajinder Singh Dhillon son of Jagtar Singh resident of Mehgowal, Police Station Mahilpur. Today I and Paramjit Singh son of Anant Ram resident of Dansiwal and Vikas Sodhi son of Yashpal resident of Takka, Police Station Una were present at his shop. At around 6:18PM, 7 persons on three motorcycles came to the shop. They parked their motorcycles in front of the shop. They

were carrying weapons and entered in the shop. They asked key of the cash drawer, on which we told that key is with our owner. They started beating us with weapons. They gave a blow on Harjot Singh my head with the intention to kill me, which hit back of my head and I fell down. They gave beating to me while I was lying on the ground. They also gave beating to my friends. They injured us. They were also carrying pistol. They kept our three mobile phones with them and then they ran on motorcycles with weapons after giving threats to kill us. This statement is recorded in the presence of Vikas Sodhi son of Yahspal resident of Takka, Police Station Una. Legal action be taken against these unknown persons.”

6. Learned State counsel, on instructions from ASI Vasudev, has submitted that no doubt, the petitioner was not named in the FIR, however, co-accused Aakash had clearly stated that at the time of the alleged occurrence, the petitioner was accompanying him and had also participated in the occurrence in question by assaulting the complainant and his friends. Learned State counsel has further submitted that he has no knowledge about the affidavit given by the complainant with respect to the innocence of the petitioner.

7. On a pointed query, learned State counsel has not disputed the custody period of the petitioner nor has he disputed the stage of trial.

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

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

10. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

May 21st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No