



CRM-M-62714-2025

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

CRM-M-62714-2025

Date of Decision: 13.11.2025

Ashish Thapa @ Jamura

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manish Rana, Advocate, for the petitioner.

Mr. P.I.P. Singh, Addl. AG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.139 dated 23.07.2023 under Sections 323, 341, 506, 34 IPC (Sections 324 and 307 IPC added lateron), registered at Police Station Division No.08, Ludhiana, Commissionerate Ludhiana.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Lovekush Kumar. It was alleged that on 20.07.2023 at about 11:50 p.m., his brother Anuj Kumar alongwith his friends left home to go to Darbar of Murad Shah Ji in Nakodar. The complainant also followed them. When he reached Saggu Chowk, he saw 10-12 persons, who were attacking his brother with sharp edged weapons. On seeing the complainant, they fled from there with their respective weapons. It was further alleged that the complainant could recognize Ajit @ Gattu, Nannu, Jamura (petitioner) while they were fleeing from there. The complainant shifted his brother to Civil Hospital, Ludhiana.

Thus, request was made to take legal action against the accused. On the



registration of the FIR, the investigation commenced. The injured was medico legally examined. On 19.08.2023, offence under Section 307 IPC was added in the FIR. The petitioner was arrested on 01.05.2025. He approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 01.09.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that initially the FIR was registered for the offence under Sections 323, 341, 506 and 34 IPC, however, offence under Section 307 IPC was added one month thereafter without any medical opinion. He submits that the though name of the petitioner has been mentioned in the FIR, however, no specific role has been attributed to him. He submits that as per the investigation, it has been found that the petitioner was empty handed and he had allegedly given fist blows to the injured and thus, offence under Section 307 IPC is not made out against the petitioner. He submits that the petitioner is behind bars since the date of his arrest and he has never been involved in any other case of the similar nature. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that



the complainant suffered two injuries and was surgically operated as well. He submits that in the light of the injuries suffered by the injured, offence under Section 307 IPC was added in the FIR. However, he does not dispute the fact that the petitioner was empty handed and he had given fist blows to the injured. On instructions, he submits that out of 12 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 01.05.2025. Offence under Section 307 IPC was added after one month of the registration of the FIR. The petitioner was allegedly empty handed and he caused fist blows to the injured. As per the MLR, the injuries suffered by the injured were incised in nature. Till date no witness is examined, out of total 12 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 06 months & 09 days as on 12.11.2025. It further shows that the petitioner is involved in one more case, however, he is on bail in the same.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

		(RAJESH BHARDWAJ)
		JUDGE
13.11.2025		
sharmila	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No