



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

**CRM-M No.18540 of 2024
Date of Decision: 13.01.2025**

Vishal Kumar @ Shalu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankush Rampal, Advocate for
Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.181, dated 06.09.2023, under Sections 379-B(2), 34 IPC, 1860, registered at Police Station Civil Lines, District Amritsar.

2. Succinctly the facts of the case are that the FIR was registered on the basis of statement of complainant, namely, Mushtaq Ahmed, son of Abdul Salam Baghe. It was alleged that on 05.09.2023 at about 11:00 p.m., when he was walking towards his house, then at about 11:15 p.m., two young persons came from behind on motorcycle. They stopped their motorcycle near him and the young person riding pillion seat of the motorcycle got off and attacked him with sharp edged weapon which hit on the left side of his abdomen and then he forcibly snatched his mobile phone from him. After causing him injury and snatching his



mobile phone, they fled away from the spot. It was alleged that if they brought before him, he could recognize them. The request was made to take legal action against the culprits. On the registration of the FIR, the investigation commenced. During the investigation, both the accused were identified as Sonu @ Baba and Vishal Kumar @ Shalu i.e. the petitioner. The petitioner was arrested on 06.09.2023. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for the grant of bail. However after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Amritsar declined the petition filed by the petitioner vide his order dated 21.03.2024. Hence being aggrieved the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the allegation made against the petitioner is that he was armed with weapon and he caused injuries to the complainant, however no such offence is alleged in the FIR and the same was found while presenting the challan. He has submitted that the petitioner is facing the charge for the offence under Section 379-B and 34 of IPC and there is no charge pertaining to the alleged injuries. He has submitted that the petitioner has no criminal antecedents as he is not involved in the cases of similar nature. He has submitted that co-accused, namely, Sonu has already been granted bail by the learned trial Court. He has submitted that the petitioner is behind bars from last more than 01 year, however till date, the prosecution has not examined even a single



witness. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is the main accused. He has submitted that the recovery of mobile phone has also been effected from the petitioner. He, on instructions, has submitted that out of 14 prosecution witnesses, no witness has been examined till date. He has produced the custody certificate of the petitioner which would show that the petitioner is involved in one more case i.e. FIR No.02, dated 03.03.2019, however he has been acquitted in the same.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered from the facts and circumstances of the case that the petitioner is behind bars from 06.09.2023. As per custody certificate, the petitioner has suffered incarceration of 01 year, 04 months and 03 days as on 11.01.2025. The petitioner is involved in one more case bearing FIR No.02, dated 03.03.2019, however he has been acquitted in the same. Co-accused, namely, Sonu @ Baba has already been granted bail by the learned trial Court. Needless to say that out of 14 prosecution witnesses, no witness has been examined till date.

7. 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.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both



the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.01.2025

ritu

**(RAJESH BHARDWAJ)
JUDGE**

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