



228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-604-2025

Date of decision : 30.01.2025

Sham Arora @ Sham

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sanjeev Roy, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.211 dated 30.10.2024, under Sections 308(3), 351(2), 351(3), 61(2) of BNS (and for the added offence under Section 308(5) of BNS, registered at Police Station Civil Lines, Amritsar.
2. Succinctly the facts of the case are that the FIR in the present case was recorded on the Statement of Jagpreet Singh @ Jagga. It was alleged that he is the President of the Auto Rickshaw Drivers Union (CITU), Railway Station, Amritsar. In April, 2024 he received a call from Ajay Kalyan @ Lalli, who told him that all the auto rickshaw operating from Railway Station must collect Rs.300 from each auto. Thereafter, he, among the co-accused extorted Rs.90,000/- from him under threat. The allegations pertaining to the threatening and extortion were levelled against petitioner-Sham Arora as well. Request was made to take legal action against the culprits. On registration of FIR, the investigation commenced. The petitioner was arrested on 22.11.2024. He approached the Learned Additional Sessions Judge, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the



sides by Learned Additional Sessions Judge, Amritsar vide order dated 26.12.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has contended that false and frivolous allegations have been levelled against the petitioner. He submits that there is no evidence to substantiate the allegations made against the petitioner. He, at the outset, submits that the co-accused, namely, Simranjeet Kaur and Aman William, against whom there are specific allegations, have already been granted anticipatory bail by this Court vide orders dated 05.12.2024 and 11.12.2024 passed in CRM-M-60972-2024 and CRM-M-61898-2024, respectively. He has drawn the attention of this Court to the interim bail granted to the co-accused, namely, Simranjeet Kaur and Aman William. He submits that the petitioner has no criminal antecedents and his case is on better footing than the co-accused who are on anticipatory bail. He, thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioner and submits that there are specific allegations made against the petitioner. However, he does not controvert the fact that the similarly situated co-accused have already been granted anticipatory bail by this Court. He submits that the petitioner has no criminal antecedents. He further submits that the investigation in the present case is complete, challan is presented, however, charges are yet to be framed.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been prosecuted in the present FIR



on the basis of the allegations made by the complainant, however, it is an admitted fact that the co-accused namely, Simranjeet Kaur and Aman William, have already been granted anticipatory bail by this Court vide orders dated 05.12.2024 and 11.12.2024 passed in CRM-M-60972-2024 and CRM-M-61898-2024, respectively. Investigation in the present case is already complete.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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.

(**RAJESH BHARDWAJ**)
JUDGE

30.01.2025

ps-I

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