

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-17415-2020 (O&M)**

Ajay @ Ajay Singh ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-27561-2020 (O&M)

Garry Bhardwaj ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 18.01.2021**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr. Gurcharan Dass, Advocate, for the petitioner
in CRM-M-17415-2020.Mr. Ashish Naik, Advocate, for the petitioner
in CRM-M-27561-2020.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Rajeshwar Singh Thakur, Advocate, for the complainant.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose off the aforesaid two petitions filed on behalf of Ajay @ Ajay Singh and Garry Bhardwaj seeking grant of regular bail in respect of a case registered vide FIR No.25 dated 05.02.2020 at Police Station Dugri, Ludhiana, under Sections 323, 341, 148, 149, 506(2) IPC (Sections 307, 379-B, 212, 216, 120-B & 325 IPC added later on).

2. The allegations in nutshell are to the effect that there was some dispute between the complainant's son Sartaz Singh and Jagat Singh and Kashish Bhinder, which they wanted to sort out and went to meet the accused on the day of occurrence i.e. 04.02.2020, where Kashish Bhinder, Garry Bhardwaj, Jagat Singh, Abhijit Mand, Kuntal Sachdeva and Ajay were present. Garry Bhardwaj is stated to have been armed with iron rod; Abhijit Mand armed with a sword; Ajay armed with a iron *Khanda* and Kashish Bhinder armed with a sword. It is alleged that Kashish Bhinder gave a blow with sword towards the complainant, but the complainant raised his left arm and consequently the sword hit the left elbow of the complainant. Another blow was given by Garry Bhardwaj to the complainant with iron rod hitting on his left hand. Garry Bhardwaj is further stated to have given a blow to the complainant hitting him on his left thigh. When the complainant's son came forward to rescue the complainant, Kashish Bhinder gave a sword blow on the forehead of his son. Ajay (petitioner) is also stated to have given blow with iron *Khanda* on the back of head of the complainant's son. Thereafter, Abhijit Mand gave a blow with sword to the complainant's son hitting his left eye; Garry Bhardwaj gave a blow with iron rod on the right leg of complainant's son and Kuntal Sachdeva gave a blow with brick on his back, while Jagat Singh is stated to have given kick blows to the complainant's son. It is further alleged that Kashish Bhinder forcibly removed gold chain from the neck of complainant's wife and Kuntal Sachdeva is

stated to have taken out an amount of Rs.13,000/-, which the complainant was carrying.

3. Learned counsel for the petitioner - Garry Bhardwaj has submitted that he is attributed a rod blow to the complainant, which hit on his left hand and another blow on the right thigh. Garry Bhardwaj is also alleged to have given a blow with iron rod on the right leg of the complainant's son. It has been submitted by the learned counsel for the petitioner – Ajay @ Ajay Singh that he is attributed one injury on the head of the complainant's son with a *khanda*, but in fact the said allegations are not substantiated from medical evidence inasmuch as no incised wound was found on the person of complainant's son as would be evident from the MLR (Annexure P-5).
4. Opposing the petition, learned State counsel has submitted that since both the petitioners are specifically named in the FIR and were duly armed and had also caused injuries to the complainant and his son, no case for grant of bail is made out. Learned State counsel has further informed that the petitioner – Garry is also involved in one more case registered under Sections 323 & 379 IPC. Learned State counsel has, however, informed that the petitioners, namely, Ajay and Garry Bhardwaj have been behind bars since the last about 10 months and 9 months respectively and that trial is yet to commence.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case especially the fact that both the petitioners have been behind bars since the

last more than 9 months and that the trial is yet to commence, which would take substantial time for its conclusion given the fact that in the present circumstances of spread of pandemic the working of the Courts have been seriously affected, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

18.01.2021

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