

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19030-2020 (O&M)
Date of Decision:-8.9.2021

Bhanu Verma ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Nazar Singh.

Mr. Karanjeet Singh Brar, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-27617-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-11 and P-12 subject to all just exceptions.

CRM-M-19030-2020 (Main Case)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.102 dated 9.10.2018 at Police Station Kotwali, Nabha, District

Patiala under Sections 302, 323, 34 of Indian Penal Code and Sections 27/54/59 of Arms Act.

2. The FIR in question was lodged at the instance of Munish Verma, wherein it is alleged that he alongwith his father Ravinder Kumar (deceased) had been running the business of jewellery under the name and style of M/s Ravi Jewellers in Bank Street, Nabha. On 09.10.2018 at about 11.00 a.m. Ravinder Kumar, father of the complainant, had told his son Manish Verma (complainant) that when he had gone to his under construction show room adjacent to Prem Jewellers, at that time Vikas Verma son of Umesh Verma had given slaps to him and had threatened him that since he had bought the shop adjacent to his shop, they would not spare him. Thereafter the complainant and his father Ravinder Kumar went to the shop of Prem Jewellers to lodge their protest in this regard. Umesh son of Prem Chand, Bhanu Verma (petitioner), Vikas sons of Umesh, Prem Chand son of Devi Dass were present there. All of them started quarreling with the complainant and Ravinder Kumar. Bhanu Verma picked up a hammer and gave a blow with the same on the left side of the head of the complainant. Prem Chand had exhorted other accused that the complainant and his father should not be spared and the said dispute should be finished. Umesh had fired at Ravinder Kumar with his licenced pistol and the said shot hit into the abdomen of Ravinder Kumar. Vikas and Bhanu Verma gave fist blows to complainant and his father. Thereafter they had come out of the shop of the accused to save themselves. When Ravinder Kumar had reached his shop, he had fallen down. Ultimately he succumbed to the bullet injury received by him.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on account of the fact that he happens to be son of the main accused Umesh. Learned counsel has submitted that although in the FIR it is alleged that the petitioner had given a blow with hammer to the complainant Munish Verma, but infact the said hammer was not a large hammer but was a hammer, which is generally used by goldsmith and was very small and light as has also been admitted by the complainant PW-1 Munish Verma, when he stepped into the witness box.
4. Learned counsel for the petitioner has further submitted that admittedly the occurrence had taken place within a very short period of about 11 seconds as would be evident from the CCTV footage, which has also been admitted by the complainant during his cross-examination. It has further been submitted that the CCTV footage also shows that the occurrence had infact taken place inside the shop of accused. It has thus been submitted that the petitioner, who at best can be said to have inflicted a simple injury only, is entitled to be released on bail particularly when he has already been behind bars for a substantial period of about 2 years and 2 months.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that in the instant case even if the petitioner is attributed only a simple injury, still he shared a common intention with the co-accused to kill the deceased as he is not only a son of the main accused Umesh but was very much present, when the occurrence had taken place and had also inflicted injuries to the complainant. Learned State counsel has, however, informed that the petitioner indeed has been behind bars since the last about 2 years and 2 months and that he is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that the occurrence, as per CCTV footage, had taken place in the shop of the accused and wherein the role attributed to the petitioner is that he had inflicted an injury to the complainant with the help of a hammer, which admittedly is a small hammer and the said injury is in the nature of a simple injury and the entire occurrence had taken place within a very short period of a few seconds and the petitioner was not armed with any lethal weapon, it will certainly be debatable as to whether he shared a common intention with the co-accused to kill the deceased or not. In any case, since the petitioner has been behind bars for a substantial period of about 2 years and 2 months and conclusion of trial is likely to consume time as till date only 5 out of cited 20 PWs have been examined, further detention will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No