

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

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(i)

**CRM-M-40355-2020
Date of Decision : 15.02.2021**

Adarsh @ Tonu

.....Petitioner

Versus

State of Haryana

.....Respondent

(ii)

**CRM-M-41776-2020
Date of Decision : 15.02.2021**

Abhishek @ Ganja

.....Petitioner

Versus

State of Haryana

.....Respondent

(iii)

**CRM-M-42001-2020
Date of Decision : 15.02.2021**

Vicky @ Vikas

.....Petitioner

Versus

State of Haryana

.....Respondent

(iv)

**CRM-M-2670-2021
Date of Decision : 15.02.2021**

Tinku Pehalwan @ Dharmender Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Namit Khurana, Advocate
for the petitioners in
CRM-M-40355-2020 and CRM-M-41776-2020.

Mr. Akash Yadav, Advocate
for the petitioner in CRM-M-42001-2020.

Mr. Sunny Bhardwaj, Advocate
for the petitioner in CRM-M-2670-2021.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

(The case has been taken up for hearing through video conferencing).

The petitioner-Adarsh @ Tonu has filed CRM-M-40355-2020; petitioner-Abhishek @ Ganja has filed CRM-M-41776-2020; petitioner-Vicky @ Vikas has filed CRM-M-42001-2020 and Tinku Pehalwan @ Dharmender Sharma has filed CRM-M-2670-2021 under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.233 dated 14.09.2020 registered under Sections 323/341/307/506/201/325/34 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Chhachrauli, District Yamuna Nagar.

The above-said FIR was registered on complaint of Vikram. In his complaint Vikaram alleged that he and Paramjit Singh are working together and he manages and take cares of Dumpers and Trucks which are carrying sand/earth on contract. Accused-Tinku Pehalwan is also doing the same work. About a few days before the alleged occurrence accused-Tinku Pehalwan threatened him and Paramjit Singh not to take any contract of carriage of sand/earth in the area but he (the complainant) and his owner asked him (accused-Tinku Pehalwan) to mind his own work due to which accused-Tinku Pehalwan was having grudge against him. On 13.09.2020 he along with Ashok Kumar went for taking payment at Ramkheri Bus Stand. When

they were returning and reached Bus Stand Jatehari, 10/12 persons came in two Alto cars stopped his motorcycle. Accused-Tinku Pehalwan with intention to kill him fired a shot which passed near by his ear. Accused-Raja inflicted blow with iron rod on his left leg. Accused-Vicky inflicted blow with iron rod on his left leg. Accused-Lucky Ramdasia Sardar inflicted blow with iron rod which fell on his left arm. Accused-Ganja inflicted blow with iron road which hit him on his right leg. Other persons who were armed with sticks attacked and caused injuries to him. He fell down. While lying on the floor, he called his owner Paramjit Singh @ Pamma who along with Ajay @ Billa reached at the site and on seeing them, the assailants fled from the spot while threatening to kill him in future. In the quarrel both his ear rings and amount of Rs.10,000/- had also been snatched by the assailants.

The petitioners being in custody have filed present petitions for grant of regular bail.

The petitions have been opposed by the respondent-State in terms of separate replies filed by way of affidavit of Sh. Rajender Kumar HPS, Deputy Superintendent of Police, Jagadhri, Yamuna Nagar in CRM-M-41776-2020, CRM-M-42001-2020 and CRM-M-2670-2021 respectively in the Registry which are taken on record. However, in CRM-M-40355-2020 no reply has been filed by learned State Counsel.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the relevant record.

Mr. Namit Khurana, learned Counsel for petitioners- Adarsh @ Tonu and Abhishek @ Ganja has argued that there is undue and unreasonable delay of about one day in lodging of the FIR.

Petitioners-Adarsh @ Tonu and Abhishek @ Ganja have been falsely implicated in the present case. Petitioner-Adarsh @ Tonu was not named in the FIR and no injury is attributed to him. Petitioner-Abhishek @ Ganja was named in the FIR to have caused injury on right leg of the complainant but the injury on the right leg of the complainant caused with blunt weapon, which is attributed to him, was declared to be simple.

Mr. Akash Yadav, learned Counsel for petitioner-Vicky @ Vikas has argued that the petitioner has been falsely implicated in the case merely because he happens to be friend of the main accused. The petitioner is handicapped to the extent of more than 70% and could not inflict any injury on the person of the complainant.

Mr. Sunny Bhardwaj, learned Counsel for petitioner-Tinku Pehalwan has submitted that the petitioner has been falsely implicated due to business rivalry. The complainant had initially implicated Raja @ Lucky and Jaswinder @ Jassi but in his supplementary statement the complainant exonerated them. The petitioner is alleged to have fired gun shot on the complainant but no empty was allegedly recovered from the spot and no injury was caused to anyone by the alleged gun shot. None of the other injuries caused to the complainant is attributed to the petitioner.

Learned Counsel for the petitioners have further submitted that none of the injuries on the person of the complainant was declared to be dangerous to life. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no

useful purpose will be served by keeping the petitioners in custody.
Therefore, the petitioners may be ordered to be released on regular bail.

On the other hand, Ms. Geeta Sharma, DAG, Haryana has argued that the allegations made against the petitioners are serious. In view of nature of accusation and gravity of offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the fact that no fire arm injury was caused to anyone and none of the injuries caused to the complainant was dangerous to life and the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petitions are allowed and the petitioners-**Adarsh @ Tonu, Abhishek @ Ganja, Vicky @ Vikas and Tinku Pehalwan @ Dharmender Sharma** are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.02.2021

Kothiwal

**(ARUN KUMAR TYAGI)
JUDGE**

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