

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

I) CRM-M-10556-2021 (O&M)

Abhijeet Mand ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-15175-2021 (O&M)

Kashish Bhinder ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-30.5.2022

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Jitender Singh Dadwal, Advocate for the petitioner(s).

Mr. Tanvir Joshi, AAG, Punjab,  
assisted by ASI Gurpreet Singh.

Mr. Rajeshwar Singh Thakur, Advocate for the complainant.

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**GURVINDER SINGH GILL, J.**(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Abhijeet Mand and Kashish Bhinder 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, wherein offences under Sections 307, 379-B(2), 212, 216, 120-B & 325 IPC were 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 (petitioner in CRM-M-15175-2021), 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 (petitioner in CRM-M-10556-2021), 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 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 petitioners has submitted that the petitioners have falsely been implicated in the present case and that, in any case, a perusal of the MLR (Annexure P-3 in CRM-M-15175-2021) would show that the injured Sartaj Singh was fairly calm and composed and it cannot be said that he had sustained any serious injuries threatening his life. Learned counsel, in this regard, has drawn the attention of this Court to the MLR in respect of injured Sartaj Singh annexed as Annexure P-3 (in CRM-M-15175-2021).
4. Learned counsel for the petitioners has submitted that, in order to prove their *bonafides*, the petitioners are willing to compensate both the injured to the extent of Rs.50,000/- each in respect of the injuries even though they do not admit that the said injuries had been caused by them.
5. On the other hand, learned State counsel assisted by learned counsel for the complainant, has submitted that since the allegations stand fully substantiated from the MLRs in respect of both the injured i.e. MLR in respect of Sartaj Singh (Annexure P-3 in CRM-M-15175-2021), wherein the said Sartaj Singh is shown to have sustained as many as 6 injuries including 2 injuries on his head and the MLR in respect of Paramveer Singh (Annexure P-8 in CRM-M-15175-2021) which reveals that he had sustained 3 injuries, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 1 year and 8 months. It has also been informed that in the present case charges are yet to be framed and that as many as 22 PWs have been cited. Learned State counsel has further informed that while the petitioner Abhijeet

Mand is involved in 4 cases, the petitioner Kashish Bhinder is involved in 2 cases.

6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that specific allegations have been levelled in the FIR and the medical record also shows that the injured had sustained injuries. However, this Court cannot lose sight of the fact that the petitioners have been behind bars for a substantial period of 1 year and 8 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and 22 PWs have been cited by the prosecution.
8. Having regard to the aforestated position, both the petitions are hereby 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. It is, however, clarified that the petitioners shall be released on bail subject to their depositing an amount of Rs.50,000/- each before the Trial Court at the time of furnishing bail bonds/surety bonds, which shall be disbursed to each of the two injured. The Trial Court shall do the needful in this regard.
9. It is, however, clarified that the aforesaid payment of Rs.50,000/- by each of the petitioners shall not prejudice their defense and shall not be taken to be any kind of admission on their part.
10. A photocopy of this order be placed on the file of connected case.

**30.5.2022**

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**( Gurvinder Singh Gill )**  
**Judge**

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No