

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

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CRM-M-15917-2022(O&M)
Date of Decision : **April 26, 2022**

VISHAL JACOB @ VISHAL GILL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. C.S.Rana, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.140 dated 16.5.2021 under Sections 307, 323, 341, 379-B, 148, 149, 326, 201 IPC, registered at Police Station Division No.3, Ludhiana.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 25.6.2021 and the investigation of the case is already complete and no recovery is to be effected from the petitioner. He submitted that it is a case where the allegations were made not only against the petitioner but the other co-accused as well that they had attacked the complainant, namely, Karandeep Kalia and so far as the alleged role attributable to the petitioner was that he had given a kirpan blow on the head of the aforesaid Karandeep Kalia. He submitted that so far as the other co-accused, namely, Akhil Sabharwal, Manpritpal Singh

@ Pretty and Ajay Kumar @ Ajju @ Ajay Sahota are concerned, they have been granted bail by this Court vide Annexure P-3 in CRM-M-39905 of 2021. While referring to the aforesaid order, the learned counsel for the petitioner has submitted that in that case it was brought to the notice of the Court that the complainant is hale and hearty and settled in abroad and it was enquired by the police that the complainant, namely, Karandeep Kalia has gone abroad and is not residing in India. He further submitted that the petitioner was falsely implicated in the present case only on the ground that there were three more cases against the petitioner out of which in one case he was convicted and he had already undergone. He further submitted that be that as it may, the charges are yet to be framed and the petitioner has already suffered incarceration for more than ten months and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 25.6.2021 and no recovery is to be effected from the petitioner. He submitted that during the investigation of the case there had been a recovery of kirpan from the petitioner. So far as the factual position pertaining to the complainant, namely, Karandeep Kalia is concerned, the learned State counsel has also stated and also referred to the order passed by this Court vide Annexure P-3 that the complainant, namely, Karandeep Kalia has already left India and he is hale and hearty. The learned State counsel has stated that although at that point of time when the bail application of the other three co-accused was considered, the police had enquired regarding the same

that the complainant has left India but he has no further instructions that he has returned back or not. He submitted that no further recovery is to be effected from the petitioner. He has, however, opposed the grant of regular bail to the petitioner on the ground that he is involved in three more cases.

The learned counsel for the petitioner has submitted that out of the aforesaid three cases, petitioner has already undergone in one case and in other two cases he is already on regular bail.

I have heard the learned counsels for the parties.

The petitioner is in custody from 25.6.2021 and the investigation of the case has been completed and the challan has been presented but the charges have not been framed in the present case. The other three co-accused have been granted bail by this Court. Although the aforesaid three co-accused cannot be termed at parity with the present petitioner because the role attributable to the petitioner was different from the aforesaid three co-accused but as per the allegations all the accused had given injuries to the complainant. The complainant had earlier left India and as per the learned counsel for the petitioner he has settled abroad. Be that as it may, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety

bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 26, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No