

226

Suresh Mehta @ Suresh Kumar

Vs.

State of Punjab and another

... Respondents

Satish Mehta and another

... Petitioners

Vs.

State of Punjab

... Respondents

Rohtaj Mehta

... Petitioner

Vs.

State of Punjab

... Respondent

Rahul Mehta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Keshav Partap Singh, Advocate and

Mr. Rajat Singh, Advocate
for the petitioners in all cases.

Mr. Mohit Chaudhary, AAG, Punjab.

Ms. Ramanjit Kaur, Advocate for
Mr. Sandeep Wadhawan, Advocate and
Mr. Gursher Dhillon, Advocate, for the complainant in all cases.

SUVIR SEHGAL, J. (Oral)

This order will dispose of four petitions bearing CRM-M-27442 of 2022, CRM-M-32560 of 2022, CRM-M-32959 of 2022 and CRM-M-35257 of 2022 as all the petitioners are accused in FIR No.136 dated 30.04.2022 registered under Sections 323, 324, 325, 379, 382, 307, 354, 427, 506, 201, 148, 149 of Indian Penal Code, 1860 (for short “IPC”) and Sections 25, 27 of Arms Act, 1959, however, Sections 325, 201 IPC were added later on, at Police Station Civil Lines, Amritsar, District Amritsar and have approached this Court by way of separate petitions filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of regular bail.

For the sake of convenience, facts are being taken from CRM-M-32560 of 2022.

Case of prosecution is that FIR has been registered on the complaint of Sandeep Gors, who is a practicing lawyer at District Court, Amritsar on the allegation that on 29.04.2022 when he was sitting in his office, he received a phone call from Mamta Devgan, Press Reporter, who told him that some persons have staged protest against him before NRI Police Station and they are coming to protest outside his office and will

raise slogans. Complainant objected to the use of foul language by the Press Reporter on the phone. After few minutes, 10-15 persons forcibly entered his office. When his wife asked them to leave, they pushed her to the ground. Two assailants caught the complainant by his arm and one of them took out a revolver, which he pointed at his ear. Satish Mehta, who was one of the assailants instigated the co-accused and alongwith Rahul inflicted injuries on his head and face. 3-4 persons including Satish Mehta caught hold his wife and gave her blows. Satish threatened that they will be done to death as complainant has been supporting Balwinder Singh in a pending matter. They caused extensive damage in his office. When the complainant raised an alarm and called his gunmen, the assailants fled away from the spot. Mamta Devgan, Press Reporter was seen standing outside the office of the complainant.

Counsel for the petitioner(s) has submitted that there was a matrimonial dispute between Shazia Mehta and her husband Jagdeepak Singh Verka and the complainant was acting as a Mediator. It has been argued that during the pendency of the mediation proceedings, altercation had taken place, but there was no intention to cause injury to the complainant or his wife. A specific argument has been raised by him that offence under Section 307 IPC is not made out and even as per medical opinion, injury allegedly inflicted by the complainant is grievous and attracts offence under Section 325 IPC. He submits that no recovery has been effected from the petitioner(s). Counsel has also made a reference to the MLR, Annexure P-1, to submit that even the accused were attacked and

Satish Mehta has suffered injury, though he submits that neither cross-version nor any complaint has been given by him. He asserts that except for Rahul, all the accused have clean antecedents. Insofar as Rahul is concerned, it is submitted that he was convicted and imprisoned for an offence in U.K and after completion of his sentence, he has been deported to India. It is his categorical assertion that investigation is complete, challan has been presented and petitioners are no longer required for custodial interrogation.

Per contra, State counsel upon instructions from ASI Rajinder Singh submits that complainant has suffered two injuries, one of which has been declared to be grievous. Still further, as per his instructions, complainant's wife has suffered 04 injuries, all of which are simple. It is his specific case that grievous injuries on the complainant have been inflicted by Satish Mehta. State counsel submits that as no recovery has been effected from the petitioner(s), offence under Section 201 IPC has been added. He submits that proceedings are fixed before the Trial Court on 14.11.2022 for framing of charge. He is assisted by counsel for the complainant, who has argued that it is not a case of provocation, rather accused entered the office of complainant and attacked the complainant and his wife with pre-determined mind with an intention to kill the complainant. He submits that even though the accused are in detention, but one of their relatives has been approaching the complainant for settlement.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that complicity of the

petitioners in the crime as well as attraction of offence under Section 307 IPC would remain subject matter of the debate before the Trial Court. As challan has been presented, the petitioners, who are in custody for the last more than 04 months, are no longer required for the custodial interrogation, therefore, they deserve to be enlarged on bail during pendency of the proceedings.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petitions are allowed. Petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, the petitioners will furnish an undertaking by way of affidavits to the effect that during pendency of the proceedings arising out of the FIR, they will not contact the complainant or his family members or try to intimidate or influence them.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case

November 10, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes