

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

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CRM-M-39905-2021

Date of Decision : January 31, 2022

AKHIL SABHARWAL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

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CRM-M-41677-2021(O&M)

MANPRITPAL SINGH @ PRETTY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

3

CRM-M-46050-2021

AJAY KUMAR @ AJJU @ AJAY SAHOTA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Amandeep Singh, Advocate
for the petitioner in CRM-M-39905-2021.

Ms. Amarinder Kaur, Advocate
for the petitioner in CRM-M-41677-2021.

Mr. Naveen Bawa, Advocate
for the petitioner in CRM-M-46050-2021.

Mr. Arun Kaundal, Deputy Advocate General, Punjab.

Mr. Hitesh Verma, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

All the three cases are being taken up together for final disposal as the prayer in all the cases pertain for the grant of regular bail to the petitioners and they arise out of the same FIR.

With the consent of the learned counsel for the petitioners, the facts are being taken up from CRM-M-39905 of 2021.

As per the FIR which was lodged on the basis of statement made by the complainant-Dixit Tandon that on the intervening night of 14/15.5.2021 when he alongwith his friend, namely, Karandeep Kalia were coming back to their homes on their vehicles then on the way at about 12.05 a.m. when they reached near Dashmesh Singh Sabha Gurudwara just ahead of Raj Jewellers then in the meantime from behind 10-12 boys came upon their motor cycles alongwith weapons who stopped them and surrounded them and among them was Vishal Gill, Steam Sahota, Kartik Began, Akhil Sabharwal (petitioner), Rohit Hans, Real Pedu, Jatin Tredy and 5-6 unknown persons. Thereafter, Vishal Gill stopped his motor cycle in front of the motor cycle of Karandeep Kalia and took out its key. Thereafter, said Karandeep Kalia asked the reason of taking out the key then Akhil Sabharwal gave a slap to Karandeep Kalia and Vishal told him that they had nothing to do with him but they have to teach lesson to Karandeep Kalia and thereafter Vishal Gill gave a kirpan blow holding in his hand with an intention to kill which hit on his head and thereafter various injuries were caused by other persons. As per

the FIR, the bone of contention was that Puneet Bains friend of Vishal Gill was beaten up by Karandeep Kalia and his associates some days ago near Cheema Chowk.

All the learned counsels for the petitioners have submitted that it is a case where petitioner-Ajay was not named in the FIR but was nominated on the basis of a supplementary statement of the complainant and he is in custody from 24.7.2021. Petitioner-Manpritpal Singh @ Pretty is also in custody from 24.7.2021 and he was also not named in the FIR and it was only on the basis of a supplementary statement, namely, Karandeep Kalia that his name was nominated lateron. So far as petitioner-Akhil Sabharwal is concerned, he is in custody from 24.5.2021 and was named in the FIR. It was further submitted that the role attributable to Ajay was giving of one injury on the left arm which was simple in nature and there is no other case against petitioner-Ajay and has got clean antecedents. So far as the petitioner-Manpritpal Singh @ Pretty is concerned, there is no injury attributable at all to him but there are three other cases against aforesaid Manpritpal Singh @ Pretty and so far as petitioner-Akhil _ is concerned, there is one injury attributable to him on the left leg which is also simple in nature and is on the non-vital part of the body and there is no other case against him.

Learned counsels have further submitted that the investigation of the case has already been completed and the challan has since been presented before the competent Court on 20.8.2021 and now the case is fixed for 9.2.2022 for the purpose of consideration of framing of charges. They have submitted that one of the injured namely,

Karandeep Kalia has since left India and has gone abroad and is hale and hearty and he has also suffered an affidavit that although the name of Manpritpal Singh @ Pretty was nominated on the basis of his supplementary statement but now he has filed an affidavit by deposing that the aforesaid Manpritpal Singh @ Pretty was not involved in this case as he was not present at the spot and his name was recorded due to some misunderstanding.

The State was directed to verify the authenticity of the affidavit and also as to whether the injured-Karandeep Kalia has left India or not. An affidavit has been filed by the State in CRM-M-41677-2021 in which it has been stated that it has been verified that the aforesaid injured-Karandeep Kalia has suffered an affidavit vide Annexure P-3 which has been attested by the Notary Public and the confirmation was made from him also. It has also been enquired into that Karandeep Kalia has gone abroad and is not residing in India.

The learned State counsel has submitted that so far as the custody of the petitioners as stated above is concerned, the same is correct and it is also correct that the investigation of the case has already been completed and challan has been presented before the competent Court and the matter is now fixed for the purpose of consideration of charge. He has further submitted that it is also correct that petitioners-Ajay and Akhil Sabharwal are not involved in any other case and so far as the petitioner-Manpritpal Singh @ Pretty is concerned, there are three other cases against him. The nature of injuries allegedly attributable to the petitioners have also been affirmed by the learned State counsel as

afore-stated.

I have heard the learned counsels for the parties.

So far as petitioner-Manpritpal Singh @ Pretty is concerned, although there are three cases against him but from the facts and circumstances of the present case, it can be seen that his name was nominated on the basis of the supplementary statement made by Karandeep Kalia but later on he has filed an affidavit by stating that out of misunderstanding his name was taken by him and aforesaid Manpritpal Singh @ Pretty was not present at the spot and this affidavit has been verified by the State and an affidavit has also been filed in this regard and no injury has been attributable to petitioner-Manpritpal Singh @ Pretty. So far as the petitioner-Manpritpal Singh @ Pretty is concerned, the pendency of three cases against him would not be detrimental to the petitioner for the grant of bail. So far as petitioner-Ajay is concerned, the injury attributable to him was on the left arm which was simple in nature and there is no other case against him and he has got clean antecedents and according to learned counsel for the parties. His name was also nominated on the basis of a supplementary statement made by the complainant. So far as the petitioner-Akhil Sabharwal is concerned although he has been named in the present FIR but he also has no other case against him and as per learned counsel for the parties there was one injury attributable to him on the left leg which was simple in nature. The investigation of the case has already been completed and the challan has been presented before the competent Court. The trial of the case may take long time. Apart from this, it is not the case of the State that in case

the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

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

Consequently, all the petitions are allowed. The petitioners are 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.

January 31, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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