

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

CRM-M-36702-2022 (O & M)

Date of decision: 25.08.2022

Abhijit Mand @ Abhi

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Dadwal, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0102 dated 23.08.2020 under Sections 307, 379, 427, 148, 149, 188 IPC, Section 25 of the Arms Act, 1959 and Section 51 of the Disaster management Act, 2005 and Section 3 of the Epidemic Diseases Act, 1897 with Police Station Dehlon, District Ludhiana.

2. The present case came to be registered on the statement of Sandeep Singh alias Jonny who stated that he was the resident of village Ghungrana and was doing the job of a receptionist at J-9 Restaurant, Village Pohir, District Ludhiana for the last one and a half years. On 22.08.2020 at about 3.00 p.m., Abhijit Mand (the present petitioner) alongwith 8-10 friends came there for a birthday party. After some time, a noise was being created and the said persons started abusing each other. On being rebuked by the

complainant and the other staff workers, the said Abhijit Mand alongwith his friends started arguing with him. The complainant asked the accused persons to pay the bill and leave. However, Abhijit Mand and his friend got aggressive and started abusing and quarreling with the complainant, etc. Thereafter, the petitioner-Abhijit Mand took out a pistol and fired a direct shot towards him with an intention to kill him. However, one Davinder Singh was struck by the gun-shot. Thereafter, the other friends of Abhijit Mand gave beatings. Kuntal Sachdeva gave an iron rod blow on his head. Jermanjeet gave a brick blow on his person, Jagat Singh threw stones at the restaurant and broke the window-panes. Thus, Abhijit Mand and the other accused caused destruction at the restaurant and gave blows of bricks and stones and fled away from the spot. Subsequently, the names of the other accused came to the light being Mudit Sood (since granted bail vide order dated 03.08.2022 passed by this Court in CRM-M-31285-2022), Nasib Bhinder and 3-4 unknown boys.

3. The learned counsel for the petitioner submits that all the material prosecution witnesses stand examined. The complainant-Sandeep Singh alias Jonny was examined as PW-4 (Annexure P-5), Injured-Davinder Singh as PW-1 (Annexure P-2), witnesses-Hardeep Singh as PW-2 (Annexure P-3), Manjinder Singh as PW-3 (Annexure P-4) and none of them have supported the case of the prosecution. He contends that only 07 out of the 24 witnesses including the material witnesses as mentioned above, have been examined, and since the petitioner is in custody since 16.09.2020 and the trial is not likely to be concluded in the near future, the petitioner ought to be granted the concession of regular bail. It is contended that initially it was Abhijit Mand (the present petitioner) who was said to be the main

(since granted bail by this Court vide order, Annexure P-8) was said to be the main assailant.

4. The learned counsel for the State, on the other hand, submits that the petitioner is the main accused alongwith his co-accused Mudit Sood. In fact, he is the person, who is said to have caused the firearm injuries to the injured. He, however, does not dispute the factual position of all the material witnesses having turned hostile and the period of the custody undergone by the petitioner.

5. I have heard the learned counsel for both the parties.

6. Admittedly, the petitioner is in custody since 16.09.2020 and only 07 out of the 24 prosecutions witnesses have been examined. Besides, all the material witnesses including the injured witnesses have been examined and have not supported the case of the prosecution.

7. In view of the above, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Abhijit Mand @ Abhi Mand, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 25, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No