

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

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CRM-M-42096-2022

Date of Decision : **October 14, 2022**

BHUPINDER SHARMA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. A.P.S.Deol, Sr. Advocate assisted by
Mr. Vishal Rattan Lamba, Advocate
for the petitioner.

Mr. Amit Rana, Sr. Deputy A.G., 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.269 dated 20.8.2022 under Sections 323, 341, 506 IPC and Section 3 SC/ST Act, 1989 (Offence 384 IPC and Sections 25, 27, 30/54/59 of Arms Act, 1959 added lateron), registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

Learned Sr. Counsel has submitted that it is a case where the petitioner is in custody from 20.8.2022 and as per the allegations contained in the FIR the petitioner allegedly called the complainant as thief on the previous day and on the later day one contractor, namely, Ankur Bansal called the complainant in his office and a scuffle took place. He submitted that it is a case of pure and simple political enmity since the petitioner is the husband of the Municipal Councillor, namely, Asha Sharma and has submitted that even as per the FIR there is nothing

pertaining to SC and ST Act. He also submitted that the other co-accused, namely, Varun Sharma has been granted interim bail by this Court vide CRA-S-1734-2022 and another co-accused, namely, Ranjit Singh @ Reddy has been granted regular bail by this Court vide CRM-M-41061-2022 and has submitted that the petitioner is not involved in any other case and has clean antecedents. He submitted that the petitioner being the husband of the Municipal Councillor, the purpose of lodging the present FIR was with an ulterior motive of tarnishing his image.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 20.8.2022 and the allegations against the petitioner are that he called the complainant as thief and thereafter on the next date the parties were called to the office of Municipal Commissioner where scuffle took place. He submitted that it is also correct that the petitioner is not involved in any other case and no recovery is to be effected from the petitioner.

I have heard the learned counsels for the parties.

The petitioner is in custody from 20.8.2022. During the Course of arguments, learned Sr. Counsel has also referred to Annexure P-3 by stating that since it is a case of political enmity, the matter was thereafter compromised between the parties since the petitioner had also levelled allegations that an attack was made on him. The said compromise was effected between the complainant and the accused persons on 20.8.2022 but the complainant resiled from the compromise and got the present FIR registered on the same day. The petitioner is not stated to be involved in any other case and as per the learned State

counsel no recovery is to be effected from the petitioner. It is not the case of the learned State counsel that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may abscond from justice. One of the other co-accused, namely, Varun Sharma has been granted interim anticipatory bail by this Court and another co-accused, namely, Ranjit Singh @ Reddy has been granted regular bail by this Court.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant regular 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.

October 14, 2022

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(JASGURPREET SINGH PURI)

JUDGE

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