

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11898-2023

Date of Decision:-15.03.2023

Amit & Anr.

.....**Petitioners.**

Versus

State of Punjab.

.....**Respondents.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajat Malhotra, Advocate for the Petitioners.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0068 dated 25.03.2022 under Sections 307, 427, 452, 506, 148, 149 IPC registered at Police Station Haibowal, District Ludhiana.

2. The present FIR came to be registered at the instance of Manjit Kumar son of Nathu Ram who stated that he was a driver by profession. The work of sewerage was going on in his locality. On 23.03.2022, when the construction of a manhole was taking place, Amit and Aman (both petitioners) who resided opposite his house did not want the construction of the said manhole to take place. Because of this fact, arguments ensued between him and the brothers. On 24.03.2022, while his brother Baljit and Lalit and nephew Vasu and sister-in-law Asha Rani were present at their house, Amit and Aman sons of Shankar Lal entered the house along with Mani (since granted bail vide order dated 20.02.2023 in CRM-M-7677-2023) and his two sons Rahul Sabharwal (granted bail vide order dated 31.01.2023) and Lalli and wife Nisha alias Bhola. They were accompanied by Raja brother of Bhola and Rohit alias Bugni nephew of Bhola and 10/12

other persons whose names he did not know. All of them were armed with baseball bats, Kirpans, Dattars, Toke and rods. The accused mercilessly beat his brothers Lalit and Baljit, nephew Vasu and sister-in-law Asha Rani. Mani gave a blow of a Kirpan on the head of his brother Baljit. Injuries were also caused to his other brother, nephew Vasu and sister-in-law Asha Rani with Kirpans, Toke and rods which landed on their head, legs, arms and other parts of the body. Because of the same, the injured were drenched in blood. On raising a noise, all the accused fled from the spot.

3. The learned counsel for the petitioners contends that no specific injury has been attributed to the petitioners. No injury under Section 307 IPC has been found on the person of any of the injured. Co-accused Nisha Sabharwal has been granted the concession of bail by this Court vide order dated 10.10.2022 passed in CRM-M-37037-2022 (Annexure P-3) and Manish Sabharwal @ Mani has been granted bail vide order dated 20.02.2023 passed in CRM-M-7677-2023. As the petitioners were in custody since 22.11.2022, none of the 16 prosecution witnesses had been examined and the petitioners were first time offenders, they were entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the accused including the petitioners brutally beaten up the complainant and his family members. As many as 04 persons were caused injuries. The manner of the assault did not entitle the petitioners to the grant of bail. He, however, does not deny the period of custody undergone by the petitioners as also the stage of Trial.

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

6. The veracity of the allegations against the petitioner shall be established during the course of Trial. The petitioners have been in custody since 22.11.2022. None of the 16 prosecution witnesses have been examined so far and so the Trial of the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not required, moreso when the co-accused Nisha Sabharwal has been granted the concession of bail by this Court vide order dated 10.10.2022 passed in CRM-M-37037-2022 (Annexure P-3) and Manish Sabharwal @ Mani have been granted bail vide order dated 20.02.2023 passed in CRM-M-7677-2023.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Amit** son of Sh. Shankar Lal & **Amandeep @ Aman** (mentioned in the FIR as Aman) son of Shankar Lal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. If the petitioners or their family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.
9. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of either of the petitioners from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 15, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No