

CRM-40301-2023 in/and CRM-M-20074-2023

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(108+227)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-40301-2023 in/and
CRM-M-20074-2023

Date of Decision: 25.09.2023

ABHISHEK SHARMA BHOLU ALIAS MENTAL

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. GPS Ghuman, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

CRM-40301-2023

The present application has been filed by the applicant-petitioner
for placing on record Annexure A-1.

For the reasons mentioned in the application, the same is
allowed and Annexure A-1 is taken on record.

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This 2nd petition under Section 439 Cr.P.C. is for the grant of
regular bail in case bearing FIR No.0074/2021 dated 01.07.2023 registered
under Sections 452, 307, 384, 506, 148, 149 IPC and Section 25 of Arms Act,
1959 at Police Station Daba, Ludhiana, Police Commissionerate Ludhiana.

2. The present FIR came to be registered on the complaint of
Ranjot Singh son of Kamaljit Singh who stated that he was running a shop in
the name and style of Prince Gallery selling electronic goods. On the date of

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the occurrence, while he was present at his shop. At 06.30 PM, Aman Tattoo carrying a pistol in his hand along with Deepi Gill armed with a sickle and 4/5 unidentified young men out of whom one was carrying a pistol came to his shop. Aman Tattoo asked him (complainant) to give them a sum of Rs.50,000/-. At that time, his (complainant's) servant Partap Singh resident of Satgur Nagar Lohara was also present at the shop along with a friend namely, Akash son of Jamalpur. In the meantime, Aman Tattoo with an intention to kill him (complainant) fired a shot with a pistol and the bullet grazed the right side of his head and got stuck in the wall. When blood started oozing from his head, the other three young men fled away from the spot along with their weapons while giving threats to him. In the meantime, his brother Gurwinder Singh came to the shop and got him (complainant) admitted to Apollo Hospital, Ludhiana. The motive for the occurrence was that around one month earlier Rishi resident of Prem Nagar had inflicted injuries on Aman Tattoo and his friends and he (complainant) had helped Rishi as a result of which Aman Tattoo and his friends were continuously giving threats to him (complainant) through messages and demanding a ransom of Rs.50,000/-. As he did not fulfill their demand, he had been shot at.

3. The learned counsel for the petitioner contends that initially the name of the petitioner did not figure in the FIR. It was only later that the petitioner was nominated as an accused and was arrested on 23.07.2021. He contends that as per the CCTV footage of the place of occurrence, the prosecution version stands falsified. Neither in the FIR nor in the supplementary statement of the complainant was the name of his friend

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Krishan Pandey alias Piku mentioned as a witness. However, later by virtue of a second supplementary statement, the said Krishan Pandit alias Piku was introduced as a witness. As the petitioner was in custody since 23.07.2021, 02 relevant witnesses including the complainant and Krishan Mohan Pandey @ Piku stood examined, the further incarceration of the petitioner was not required, moreso, when in the five other cases registered against him, the petitioner had been granted bail and in one of those cases, he now stood convicted.

4. On the other hand, the learned State counsel contends that though the petitioner was not named in the FIR, his name was subsequently revealed during the course of investigation. He was thereafter identified during the course of a test identification parade. He was accompanying the main accused Aman Tattoo who fired at the complainant. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that no injury has been attributed to the petitioner, that he is in custody since 23.07.2021 and that 02 of the relevant prosecution witnesses out of 21 cited in the list of witnesses stand examined. He also concedes that in FIR No.39 dated 07.03.2015 under Sections 384/34 IPC, he is on bail, in FIR No.15 dated 15.04.2017 under Sections 364,. 323, 506, 148, 149 IPC, Police Station Daba Ludhiana, he is on bail, in FIR No.283 dated 07.07.2021 under Sections 382/34 IPC, Police Station Division No.5, Ludhiana, he is on bail, in FIR No.112 dated 10.07.2021 under Sections 25/54/59 of Arms, Police Station Dehlon, he is on bail whereas in FIR No.18 dated 06.01.2017 under Sections 25/54/59 of

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Arms Act, Police Station Dugri, District Ludhiana, he had been granted bail but has now been convicted.

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

6. The veracity of the prosecution case against the petitioner shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is in custody since 23.07.2021 and only 02 out of the 21 prosecution witnesses have been examined so far. In four of the five cases registered him, he has been granted the concession of bail whereas in one case he was initially granted the concession of bail and now stands convicted. In this view of the matter, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Abhishek Sharma Bholu @ Mental son of Kuldeep Chand is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his 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.

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10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.09.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No