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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50727-2022

Date of decision :31.01.2023

RAHUL SABHARWAL

... Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Naveen Bawa, Advocate
for the petitioner(s).

Mr. Shubham Kaushik, Asstt. A.G., 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 in case bearing FIR No.0068 dated 25.03.2022 registered under Sections 307, 427, 452, 506, 148, 149 of IPC 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 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 and his two sons Rahul Sabharwal (petitioner) 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 petitioner contends that though the injured Baljit has received grievous injury, no injury under Section 307 IPC has been found on the person of any of the injured. No specific injury has been attributed to the petitioner. His wife and co-accused Nisha Sabharwal have been granted the concession of bail by this Court vide order dated 10.10.2022 passed in CRM-M-37037-2022 (Annexure P-3). As the petitioner was in custody since 13.05.2022, none of the 16 prosecution witnesses had been examined and the petitioner was a first-time offender, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the accused including the petitioner brutally beaten up the complainant and his family members. The manner of the assault did not entitle the petitioner to the grant of bail. He, however, does not deny the period of custody undergone by the petitioner 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 petitioner has been in custody since 13.05.2022. He is a first-time offender. None of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rahul Sabharwal son of Munish Sabharwal 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 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.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

31.01.2023
JITESH

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