

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 278

CRM-M-55473-2023

Date of Decision-21.11.2023

VATSAL GAGGAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. APS Deol, Sr. Advocate with
Mr. Karan Kalia, Advocate for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Nitin Meel, Advocate for
Mr. J.S. Dadwal, Advocate for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner in case FIR No.163 dated 08.10.2023 registered under Section 307, 506, 148, 149 of IPC and Sections 25, 27 of Arms Act, at Police Station Model Town, Ludhiana, District Police Commissionerate Ludhiana.

2. The brief facts of the case as discernible from the record are that the FIR was lodged on the statement of Mudit Sood who made the following statement:-

“Today I along with Karan Singh son of Sukhwinder Singh r/o H.No.48-A Model Town, Ludhiana was sitting at the house of Garry Bhardwaj son of Sanjeev Bhardwaj r/o 8-B Sarabha Nagar Ludhiana. When Karan Singh started from his house on Activa to drop of Garry Bhardwaj and I stated on my Activa to go to my house, Abhijit Singh Mand and Kundal Sachdeva met us on the way and we stopped in the vacant ground near Puri Hospital and started having a talk. At about 1.00 a.m. from the gate of ground towards the Dr. Ambedkar side, a number of young boys on 4/5 vehicles ie. one black Thar, Swift, Innova,

Audi and i-10 and 2/3 motor cycles came there. Kanwarbir Singh @ Deo son of Goggy Sarpanch r/o village Bahadarke, Rajbir Cheema and Teji Grewal sitting in Thar, Dimanshu Kochhar, Harsh and Nawab Bajwa son of Vicky Bajwa along with some unknown persons came in second vehicle and as soon as they came there, Kanwarbir Singh sitting in the Thar fired at us with the pistol in his hand with intention to kill us and the young persons sitting in other vehicle also fired on us with the pistols in their hands. They all fired about 8-10 shots. That one of the bullet fired by Kanwarbir Singh hit on my left arm and one bullet hit in the stomach of Abhijit Singh Mand. There were about 10-12 unknown persons with them. We fled away from the spot to save our life and all these persons while giving abuses and threats also fled away from the spot along with their weapons in their vehicles. Cause of grudge is that our friend Dipanshu hires parties in Hotels and Restaurants and they were forcibly demanding passes of hotel Latore South City, Ludhiana.”

3. Learned Senior counsel for the petitioner contends that the perusal of the FIR would indicate that the injury attracting the offence under Section 307 of IPC is specifically attributed to the co-accused Kanwarbir Singh @ Deo. The present petitioner was neither named in the FIR nor his description was given amongst unknown person who had accompanied the co-accused Kanwarbir Singh @ Deo.

4. Learned Senior counsel further contends that the petitioner is a final year student of Bachelor of Business Administration (BBA), Punjab College of Technical Education, Baddowal and he has been falsely implicated in the present case only on the basis of suspicion as during investigation, it transpires that the vehicle which was used by the other accused i.e. PB-91-S-9091 (Volkswagen) is owned by the petitioner. The petitioner was present in his house at the time of the alleged incident. According to learned Senior counsel, the same can be

established from the tower location and CDR of the mobile registered in the name of the petitioner and the complainant-Mudit Sood was discharged in satisfactory conditions on 13.10.2023 and other injured Abhijit Singh Mand was discharged on 10.10.2023.

5. Learned State counsel opposes the prayer of grant of bail to the petitioner and specifically controverts the plea of alibi taken by the petitioner with regard to his presence at his residence at the time of incident on the ground that during investigation, the CCTV footage clearly shows that the vehicle owned by the petitioner was found at the spot and he further relies upon tower location and CDR of the mobile phone of the petitioner to emphasize that the plea of alibi is not established at all.

6. Learned counsel for the complainant also opposes the grant of regular bail to the petitioner on the ground that the main accused are yet to be arrested and the investigation is still under progress.

7. Having heard learned counsel for the parties and after perusing the record of the case it transpires that the petitioner was arrested on 10.10.2023. Culpability, if any, would be determined at the time of trial. No useful purpose would be served by further detention of the accused-petitioner.

8. Keeping in view the role attributed to the petitioner and the fact that the injury attracting Section 307 of IPC, is not attributed to the petitioner, the present petition is allowed without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Vatsal Gaggar is ordered to be released on regular bail during

trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall be proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

21.11.2023
yogesh

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