

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

CRM-M-61575-2023

Date of Decision: December 13, 2023

HARDEEP SHARMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mukesh Kumar Bhatnagar, Advocate for the petitioner.

Mr. Shubham Kaushik, A.A.G., Punjab.

Mr. G.P.S. Ghuman, Advocate and
Mr. K.D.S. Bajwa, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR NO.162 dated 07.11.2022 registered under Sections 436 and 427 IPC registered at Police Station Majitha Road, District Police Commissionerate, Amritsar, wherein, the petitioner has been arrayed as accused with the allegations that he along with an unruly mob damaged the Swift Car besides a readymade Garment shop, being run under the name and style of "Race the Fire of Fashion" belonging to the victims.

2. Learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer made herein while submitting that the victims who happened to be two brothers of

Sandeep Singh, allegedly involved in an incident dated 04.11.2022, were specifically targeted by an unruly mob involving active participation of the petitioner followed by hate speech by co-accused Rahul Sharma against a particular community. It has also been submitted that in fact, an effort was made to even eliminate the victims i.e. the two brothers of Sandeep Singh. Learned counsel for the complainant also points out that out of total 8 accused in the present FIR, only 5 have been arrested so far and the Investigating Agency has not been able to catch hold of the remaining three accused who are still at large.

3. I have heard learned counsel for the parties and gone through the paper-book.

4. As a matter of fact, one of the co-accused namely Rahul Sharma has already been granted concession of regular bail by the Court of learned Addl. Sessions Judge, Amritsar besides, one Rajinder Sehdev alias Monu Sehdev having been granted similar benefit by this Court vide order dated 04.12.2023 passed vide CRM-M-59827-2023 and the petitioner is already behind the bars for a period of more than one and a half month. Further, mere fact that the Investigating Agency has not been able to apprehend the remaining three accused, the custody of the petitioner cannot be extended on account of inaction on the part of the Investigating Agency. As regards the other FIR i.e. FIR No.138 dated 05.05.2023 implicating co-accused Rahul Sharma along with one Saurav Setia, it may be pointed out here that petitioner has not been named in the said FIR.

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6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, however, the petitioner shall undertake not to extend any threat to the victims who happened to be the brother of Sandeep Singh.

13.12.2023
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>