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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2726 of 2024(O&M)

Date of decision : 24.01.2024

Akash @ Kasha

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ashish Soi, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.231 dated 28.12.2015 registered under Sections 307/382/323/341/506/148/149 IPC at Police Station Division No.6 Industrial Area, District Ludhiana.

2 As per the allegations levelled in the FIR, it has been alleged as under :-

"Stated today by Sunny Verma son of Tarseem Verma resident off 4597/1 Street Number 3 Shivaji Nagar police station division number 6 Ludhiana age 23 years stated that I am the resident of the above address and I'm studying for B.Com second year, I have 2 brothers and yesterday on 27th December 2015 me and one common friend Rahul son of Rashpal Arora resident of House Number 134 Street Number 4 Dharampura Shingar Road Ludhiana who's birthday party was at the restaurant Tasty Bite Khoda Colony Cheema Road Chowk Ludhiana where me and my brother Himanshu Verma son of Tarseem Varma aged around 18 years had gone to the birthday party of Rahul and in the evening when the party was over and me and my brother Himanshu Verma were returning to our house at around 10:40 PM of the night on our motorcycle, then in the opposite park

to the Tasty Bite Restaurant, Akash alias Kasha son of Babu resident of koda colony holding datar, Kala Ferozpuria holding sua (awl), Deepu Kanganwal who is the brother in law of Akash Kasha holding datar, Karan Kumar resident of Labor Colony holding Datar, Kuldeep Kumar Alias Lallu s/o Bhaiya Lal resident of Koda Colony holding Datar, Angad alias Angu resident of Labour Colony holding Datar, Mano son of Amarnath resident of Koda colony and along with more 15-20 people were armed and they started attacking us with the weapons because of which me and my brother Himanshu Verma fell down from the motorcycle and Akash alias Kasha who had been holding a Datar in his hand attacked with the intention of killing my brother Himanshu Verma, he assaulted him upon his head and my brother Himanshu put his left hand forward due to which the Datar hit upon the palm of the left hand and then my brother started getting up to run then these people surrounded me and my brother and Akash then attacked my brother on the head with his datar which hit him on the backside of the head then Akash Kasha again attacked my brother from the backside of his Datar which hit him upon his nose and then the next attack Akash Kasha was on my brother's left knee and in the meantime Kala Ferozpuria who was holding a Sua attacked my brother with it, which hit my brother's chest on the left side just below the heart and the second assault also went towards the left side of the chest and the 3rd attack by Kala Ferozpuria was upon the stomach of my brother and then my brother ran towards the street to his side by shouting "Marta Marta" and I ran towards the other side and while I was running Karan Kumar who was holding a Datar in his hand attacked me from my backside of the pelvis and left arm and in the meantime Deepu Kanganwal snatched the i-Phone from my hands, Kuldeep Kumar Lalu son of Bhaiya Lal, Angad Kumar Angu and Manna son of Amarnath started blaring that both these brothers have recognized us so don't let them go and kill them, and then my brother shouted "Maar Ditta Maar Ditta" then these people runaway from the spot on their respective scooters, motorcycle and swift desire car from the spot. The motive behind this is that some days ago Deepu Kanganwal and sis brother in law Akash Kasha had an accident of their swift desire car at the roundabout of Janakpuri so me and my brother Himanshu Varma and Mandeep Singh son of late Darshan Singh resident of Hari kartar colony Ludhiana had stopped them from creating chaos on the street, then me and my brother Himanshu Varma and Sundeep Singh had an altercation with Deepu Kanganwal and his brother in law Akash Kasha and I had taken my brother Himanshu Varma after arranging a vehicle to CMC hospital Ludhiana where he was in serious

condition. So I have given my statement at CMC hospital ludhiana which I have heard it is correct. an action must be taken against the persons and legal proceedings initiated."

3 Learned counsel for the petitioner relies upon testimony of PW-1 Sahil Verma @ Sunny Verma and PW-2 Himanshu Verma, the complainant as well as the victim to submit that none of them has supported the case of the prosecution. He further relies upon orders dated 05.10.2023 passed in CRM-M-35793-2023 and dated 13.12.2023 passed in CRM-M-51971-2023 to submit that other co-accused Karan Kumar and Deepak Kumar already stand admitted to bail by this Court.

4 Custody certificate has been filed. The same is taken on record. As per the same the petitioner has undergone actual custody of more than 10 months & 16 days and has clean antecedents.

5 Learned State counsel on instructions from Investigating Officer is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.01.2024

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No