

Sr.No.107

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4830-2024(O&M)
Date of decision:20.02.2024

Sudhir Mahajan @ MontuPetitioner
Versus
State of PunjabRespondent

CORAM: Hon’ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Harpreet Kaur Jeewan, J.(Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.141 dated 25.10.2023 (Annexure P-1) registered under Sections 307, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959.
2. Learned counsel for the petitioner *inter alia* contends that though the FIR No.141 dated 25.10.2023 has been registered against the petitioner with the allegations that he was armed with a licensed .32 bore pistol and fired during the course of occurrence, resulting injury to Ravinder Singh. However, the facts are that on the eve of Dusshera,at about 5.30pm, petitioner alongwith Harsh Mahajan-co-accused brother of the petitioner and female members of the family had gone to their office and they were watching Dusshera Festival from the roof top. Ravinder Singh (injured in the FIR version) started urinating in a vacant plotopposite to their shop, in the presence of the female members, which was objected by Lovely

Mahajan-wife of the brother of the petitioner. Thereafter, heated exchange of words took place. At about 8:30 pm Ravinder Singh (injured in the FIR version) alongwith others came into cars and inflicted three injuries to Harsh Mahajan-brother of the petitioner including an injury constituting the offence under Section 326 IPC. DDR No.54 was registered regarding the said injuries as a cross version in the FIR. It is further contended that investigation is complete and challan has already been presented . Petitioner is in custody since 25.10.2023. The injured Sudhir Mahajan has already been discharged from the hospital.

4. On the other hand, Status report by way of affidavit of Sumeer Singh, PPS, Deputy Superintendent of Police, Sub-Division City, District Pathankot has been filed in Court, which is taken on record.

5. Learned State counsel has confirmed that it is a case of version and cross-version. Petitioner Sudhir Mahajan was arrested on 25.10.2023. The recovery of weapon has already been affected during the course of investigation; the license of pistol recovered from the petitioner was also obtained and the same has been found to be valid as per verification conducted from the office of Deputy Commissioner, Pathankot. The Challan/Report under Section 173 Cr.P.C is presented before the Trial court and there are total 47 witnesses out of which none have been examined. The trial is pending for 29.02.2024. Learned State counsel has also confirmed that DDR was registered as a cross version on the basis of the allegations that Ravinder Singh, Rajinder Singh, Saurav and two unknown persons had inflicted injuries to Harsh Mahajan-brother of the petitioner and one of the injury with Datar is declared grievous.

6. Learned counsel for the complainant has opposed the bail application on gravity of allegations against the petitioner,

7. I have considered the aforesaid contentions, FIR No.141dated 25.10.2023 was registered against the petitioner and his co-accused with the

allegations that on 24.10.2023 Rajinder Singh alongwith his friends was sitting in the shop of the Sandeep Singh for watching the Dussehra Festival and he went to urinate in the open plot adjoining that shop and there was argumentation between Ravinder Singh and Harsh Mahajan. Thereafter, again argumentation took place in the shop of Sandeep Singh and late in the evening at about 8:30 pm Harsh Mahajan alongwith his companions attacked Ravinder Singh and inflicted him fire shot injuries which hit on his right thigh and on his right bicep. Thereafter, Sudhir Mahajan took the pistol from the hands of the Harsh Mahajan and he fired two shots towards Ravinder Singh one of which hit on the chest and other went in air as per the injury chart.

8. It is also on record that Harsh Mahajan @ Sonu co accused of the petitioner has also sustained three injuries, one of which is alleged to be with sharp edged weapon and is grievous in nature. The allegations and counter allegations are matter of trial and will be decided during trial as to which party is the aggressor. Investigation is complete, chargesheet has already been presented in the Court. There are 47 witnesses which are yet to be examined, as such, trial is going to take time.

9. Keeping in view of the facts and circumstances of the case and considering the fact that the investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; the trial will take some time to conclude, as such, to keep the petitioner in custody would not serve any purpose during the trial. There is no apprehension of absconding the petitioner during the trial. The present petition is allowed.

10. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.

11. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

20th February, 2024

Shivani Kaushik

[HARPREET KAUR JEEWAN]

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No