

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-8420-2024**

**Date of Decision:-21.02.2024**

**Akshay Kumar @ Jatinder Kumar Sharma.**

.....Petitioner.

Vs.

**State of Punjab & Anr.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Deepak Sabherwal, Advocate for the Petitioner.

Mr. Gurpartap Singh Bhullar, Assistant Advocate General,  
Punjab.

Mr. Toshant Kalra, Advocate for the  
respondent no.2-Complainant.

Mr. Amandeep S. Pahwa, Advocate for  
Eye Witness-Kartik Chabra.

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**JASJIT SINGH BEDI, J.(ORAL)**

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0254 dated 28.08.2020 under Sections 326, 427, 34 IPC and Section 201 IPC added later on registered at Police Station Beas, District Amritsar Rural.

2. The present FIR came to be registered at the instance of Rohit Tiwari son of Sh. Sudama Tiwari which reads as under:-

“ Statement of Rohit Tiwari son of Sudhama Tiwari Resident of House No.2171 Lovely Sweet Street Rayya Police Station Beas Age 25 years Phone No.9888981238. Stated that I am the resident of the said address and studying in BA Part II. I alongwith Karthik Chhabra and 2/3 boys of my street used to work together to supply

ration to poor people due to Corona and Lockdown and on 26-4-2020 at around 7/8 in the evening. I alongwith my friend Kartik Chhabra were sitting in his car number PB-09AD-8899 make 1-20 alongside railway line street due to rain and in the meantime, Harjinder Kumar alias Tunki son of Tarlok Nath, resident of Mata Jamna Devi Mandir Rayya and his son Akshay Kumar came on their scooter and called my friend Kartik Chhabra. As soon as Kartik Chhabra got out of the car, Akshay Kumar started abusing him and started scuffle with each other. When I got out of the vehicle, Harjinder Kumar alias Tunki challenged me and said, "Hold this supporter and let him be teach of fighting with us" and then Akshay Kumar had hit me with a sharp knife held in his right hand and when I put forward my left hand to save myself, then it hit me on the little finger of my left hand and that a lot of blood started flowing from my hand and on my screaming both the said persons ran away from the spot and while going, they smashed the glasses of the said car Kartik Chhabra by throwing stones. My friend Karthik Chhabra arranged a vehicle and got admitted me in Civil Hospital Baba Bakala Sahib and where I was under treatment. At that time, I had said that our supporters getting our matter compromised and later on, I will get my statement recorded, but our friends and relatives have not been able get our matter settled till date. In this regard, a writ petition has been filed by me in the Hon'ble High Court at Chandigarh on which the Hon'ble High Court Chandigarh ordered to take action within a period 2 months. Today I alongwith Kartik Chhabra came to you and got recorded my said statement, please take necessary legal action. Statement got recorded, heard and the same is correct. Sd/- Rohit Tiwari Verification."

3. The Counsel for the petitioner contends that he has been falsely implicated in the present case. In fact one Kartik Chhabra who had been shown to be an eye witness to the occurrence in connivance with the complainant had got the instant FIR registered. Be that as it may, a compromise had been arrived at between the injured/complainant Rohit Tiwari and the petitioner. The investigation stood completed. The petitioner

was in custody since 24.01.2024 and none of the 20 prosecution witnesses had been examined so far. As the Trial of the present case was not likely to be concluded anytime soon, therefore, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused having caused grievous injuries on the person of the complainant and therefore, he was not entitled to the concession of bail. He however, concedes that the petitioner was in custody since 24.01.2024 and none of the 20 prosecution witnesses had been examined so far.

5. The Counsel for the complainant Rohit Tiwari has accepted the factum of a compromise having been arrived at and states that he has no objection if the petitioner is granted the concession of bail.

6. The Counsel for the eye witness Kartik Chabra on the other hand contends that initially the present FIR had been registered on 28.08.2020. Thereafter the mother of Kartik Chabra had been murdered leading to the registration of FIR No.352 dated 28.10.2020, under Sections 302, 323, 324, 148, 149, 120-B IPC at Police Station, Beas, District Amritsar. Though the petitioner had been granted the concession of bail in the said case vide order dated 17.10.2022 passed in CRM-M-26511-2021(O&M) (Annexure P-5), he had pleaded unsoundness of mind as envisaged under Section 84 IPC which plea was incorrect. Therefore, the petitioner was not entitled to the concession of bail in the present case.

7. I have heard learned Counsel for the parties.

8. Admittedly, in the present case, it is the complainant who has suffered the injury attracting Section 326 IPC. The said complainant Rohit Tiwari has already effected a compromise with the petitioner. The

investigation stands completed and the report under Section 173(2) Cr.PC has been presented. None of the 20 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As regards FIR No.352 dated 28.10.2020 registered for the murder of the mother of Kartik Chabra, the petitioner has already been granted the concession of bail in the said case which order has not been challenged by the complainant party in that case. Be that as it may, for the said offence, the petitioner is already facing trial.

9. In view of the above, I find considerable merit in the present petition and the same stands allowed and the petitioner-**Akshay Kumar @ Jatinder Kumar Sharma** son of Sh. Harjinder Kumar 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.

10. If the petitioner or any of 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 Court.

11. 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.

12. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

February 21, 2024  
Vinay

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