

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-20073-2024 (O&M)
Date of decision : 15.07.2024

Parvinder Kumar @ Pintu Kapahi

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Berjeshwar Singh Jaswal, Advocate
for the petitioner.

Mr. Pawan Kumar, DAG, Punjab.

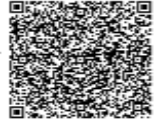
Mr. A.S. Gill, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.370 dated 25.09.2022, registered for the offences punishable under Sections 307, 323, 148, 149 and 120-B of IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 at Police Station City Ferozepur, District Ferozepur.
2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Sandeep Kumar Dhawan son of Raj Kumar Dhawan resident of House no.16/13 inside Kasoori Gate, Ferozepur City, aged about 42 years M.No.98140-16800. Stated that I am resident of above given address. We are three brothers and one sister

2024:PHHC:087724

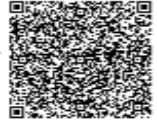


and all are married. We have a joint family and we have two shops in the name and style of Sai Paint Store at Ferozepur, on the shop of Malwal road I and my brother Amit sits and Manish Dhawan is sitting at Kasoori Gate Wali shop. Today, on 24.09.2022 time will be about 4:00 PM, then as usual I after taking meal from the house was going towards my shop situated on Malwal road. When I reached Modi Hill near Joahan Daley then Parvinder alias Pintu Kapahi son of Ram Parkash resident of Kasoori Gate and Pawan alias Pamma Mehta were standing, who stopped me by calling and said that today they will finish the matter. Then I told this matter to my younger brother Amit Dhawan on phone, then after some time my brother Amit reached at the spot. In the meantime one Govt. vehicle make Innova in which Pardhan Rinku Grover, M.C. Parminder Singh alias Handa, Ex- M.C. Markas Bhatti son of Punnu Bhatti resident of Shanti Nagar, Ferozepur, and the vehicle was being driven by Kashmir's son resident of Shanti Nagar and out of which the inlaws of Pintu Kapahi name Varinder Kataria alongwith his son Kush Kataria armed with kirpan, Pintu Kapahi's brother Sonu Kapati armed with kirpan and 2-3 unidentified persons to whom I can recognize if brought before me, came there. In the meantime Parminder Singh alias Handa raised lalkara and said that today they should not go scot free and Pardhan Rinku Grover pushed me and in the meantime Parvinder alias Pintu

2024:PHHC:087724



Kapahi by taking out revolver from his dub with an intention to kill fired on my younger brother Amit Dhawan, who saved his life by bowing down and Markas Bhatti and Kashmir's son chased my brother, when he went ahead then Pintu alias Kapahi fired upon me with an intention to kill me, which hit on my left flank, I ran away and all of them chased me and while I was running Pintu Kapahi's brother Sonu Kapahi gave his kirpan blow, which hit on my leg and one blow was given to me by Kush Kataria, which also hit on my leg and all these persons also gave me sufficient beatings and I fell down and I raised noise "Maarta-Maarta" and on seeing the people gathering there they all ran away from the spot alongwith their weapons and my relative by arranging vehicle got me admitted at Anil Baghi Hospital, where doctor after giving me first aid referred me to DMC Hospital, Ludhiana, where I am under treatment. The reason of grudge is that my brother Manish Dhawan in the year 2021 had contested the M.C. Election against Parvinder alias Pintu Kapahi. Gulshan Monga was helping Pintu Kapahi, therefore, today all these persons on the instigation of Gulshan Moga, Advocate, by firing with an intention to kill us have attacked on us. That legal action be taken against all these persons and we be given justice. I have got recorded the statement to you, heard, which is correct.xxx”



3. Counsel for the petitioner submits that by now the petitioner has undergone custody of more than 01 year, 09 months and 06 days. Trial is yet to be committed. Custody of the petitioner cannot be allowed to be prolonged as punitive measure.

4. *Per contra*, counsel for the complainant however submits that there is already bad blood between the parties. Petitioner has time and again tried to victimize the injured and his family. The injured witness had undergone complicated surgery and thus releasing the petitioner even before the complainant is examined would be detrimental to the interest of the prosecution.

5. I have heard counsel for the parties and have carefully gone through the records of the case.

6. It is not disputed that the investigation stands concluded. However, the trial could not be committed despite the fact that the petitioner has by now suffered incarceration for more than 01 year, 09 months and 06 days. In order to allay the apprehensions raised by counsel for the complainant, the petitioner is ordered to be released on bail, subject to the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not absent himself on any date before the trial.
- (iii) The petitioner shall not commit any offence while on bail.
- (iv) The petitioner shall not threaten any of the prosecution witness.
- (v) The petitioner shall not in any manner try to delay the trial.

2024:PHHC:087724



7. It is made clear that in case of the violation of any of the aforesaid conditions of bail, complainant shall be at liberty to move an appropriate application before this Court seeking cancellation of bail.
8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
9. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

15.07.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No