



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-30131-2024
Date of Decision: 15.07.2024

Karan Sharma ...Petitioner
Vs.
U. T. of Chandigarh ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. A. D. S. Sukhija, for the petitioner.
Mr. C. S. Bakshi, Additional, P.P., U.T., Chandigarh.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.60 dated 29.04.2024 registered under Sections 307, 341, 506 and 34 of IPC, at Police Station Sector 34, Chandigarh (Annexure P-1).
2. The FIR in the present case was registered on the basis of the statement made by the Naresh Mehto and the same has been reproduced as under:-

“Statement of Naresh Mehto son of Late Sh. Ram Chander Mehto resident of House No. 890, Sector 45 A, Burail, Chandigarh aged 55 years. Stated that I am residing at the above mentioned rented accommodation with my family. I have two children, Monu is the elder son. I ply an ice cream cart in Sector 44 C, Chandigarh. My son Monu plies an ice cream cart in Sector 44 D, Chandigarh. Yesterday dated 28.4.24 also I had plied an ice cream cart in sector 44 C, Chandigarh and my son



was plying an ice cream cart in Sector 44 D, Chandigarh. As per my daily routine after selling ice cream, at about 11.15 pm, I came to my son Monu where he was plying his ice cream cart in Sector 44 D, Chandigarh and was asking about sale of ice cream from him and then we started to move with our respective carts. In the meantime, two boys came to us from the side of the carts parked in the parking of Sector 44 D, Chandigarh. Out of them, one boy was holding a glass bottle of beer in his hand and they called us to stop. They asked my son Monu to give them ice cream who gave them the ice creams asked by them but they started moving towards the parking without making payment. My son Monu asked for the payment from them upon which both of them started abusing my son. When my son asked for money in a loud voice, both of them obstructed his way and started scuffling with him and kept on abusing. When my son Monu opposed them, one of the boys holding the beer bottle, hit the bottle forcefully on the head of my son with an intention to kill. The bottle broke on hitting the head and my son Monu fell on the ground and starting shouting. Upon seeing this, I ran towards him and tried to take care of him and started shouting upon which the two boys, while saying that if ever money is demanded from them, they will kill him, went away in a white color car parked in the parking. While fleeing, one of the boys was saying " run Akshay run". I read the number of the white color car as CHO1-BQ-6690. A lot of blood was flowing from the head of Monu and many people had gathered at the spot and somebody informed the police. PCR vehicle brought



my son to Govt. Hospital Sector 32, for treatment from where my son was taken to PGI, Chd. by us, where he is under treatment. Both these boys have hit the beer bottle on the head of Monu with an intention to kill with common intention and caused him a lot of injury. Legal action be taken against both these boys. I can identify the boys on seeing them. I have made my statement and heard it and it is correct. Sd/ Naresh Mehto Mobile 90567 72454, 78885 12173”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case with some ulterior motive. He further contends that even from the averments made in the FIR, no offence under Section 307 IPC is made out against him. As per him, all the allegations in the present case have been levelled against the co-accused namely Akshay and no specific injury has been attributed to the petitioner. Learned counsel further contends that even the injured has already been discharged from the hospital and is hale and hearty. As per learned counsel for the petitioner, even the applicability of Section 34 IPC would be a moot point, which could be adjudicated before the trial Court by leading any evidence by both the parties. The petitioner was arrested in the present case on 01.05.2024 and the investigation is almost completed.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on



the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, it is apparent that the petitioner is alleged to have been participated with his co-accused namely Akshay who had caused injuries with a glass bottle on the head of Monu. The petitioner is stated to be present at the spot with Akshay. He was arrested in the present case on 01.05.2024 and his further custody will not serve any meaningful purpose and the present petitioner is entitled to regular bail.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

15.07.2024

M.Sikka

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No