



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213 (2 cases)

Date of Decision:- 19.11.2024

(1) CRM-M-37160-2024

ABHISHEK SHARMA ALIAS ABHI
Vs.Petitioner

STATE OF PUNJAB AND ANOTHER ...Respondents

(2) CRM-M-38331-2024

RAHUL SHARMA & ANR.Petitioners
Vs.

STATE OF PUNJAB & ANR. ...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kashav Chadha, Advocate and Ms. Ruhani Chadha,
Advocate for the petitioners in both cases.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

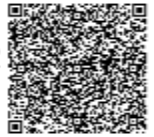
1. Petitioners – Abhishek Sharma @ Abhi [in CRM-M-37160-2024] and petitioners – Rahul Sharma and Nitin Kumar @ Nindi [in CRM-M-38331-2024] have filed instant petitions under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.183 dated 26.06.2020 (Annexure P-1) under Sections 304, 323 and 34 of IPC registered at Police Station Sadar Amritsar. These petitions are taken up together for hearing and decision being arisen out of the same FIR, at request and with consent of learned



counsel for the parties.

2. As per the facts of the case Raman Thakur complainant gave his statement that he is running Jewellery shop in street Banke Bihari. His father had already expired and his mother Bhagwati Devi was about 78 years of age. On the day of occurrence i.e. 26.06.2020 at about 5.30 pm in the evening Monika Bedi who was living on first floor, in a house opposite to their house was seen fighting with her husband Harjinder Singh. During the quarrel she called his brother Abhishek Sharma @ Abhi, his cousin Rahul Sharma and Nitin Sharma @ Nindi. All aforesaid persons in connivance with each other started beating Harjinder Singh. On hearing hue and cry, father of Harjinder Singh namely Avtar Singh reached there and his mother Bhagwati Devi and Rajni Mehta also tried to stop them. When Rajni Mehta and his mother Bhagwati Devi about to climb first floor of the house of Monika Bedi then Monika Bedi pushed Rajni Mehta from the stairs who fell down on his mother. As a result, both ladies fell down from the stairs and sustained injuries. They arranged vehicle and took his mother and Rajni Mehta to Apex Hospital, Batala Road, Amritsar. His mother Bhagwati Devi died on the way whereas Rajni Mehta was discharged after giving first aid. With these allegations, present FIR has been registered.

3. Learned counsel for petitioners argued that all allegations levelled against them are false. Present petitioners did not cause any injury to the deceased victim Bhagwati Devi or Rajni Mehta. Counsel for petitioner is also relying upon affidavit of Rajni Mehta (Annexure P-2) where she claimed that she had a fall as she slipped from staircase. It is pointed out that present petitioners have already joined investigation. It is



argued that Abhishek Sharma @ Abhi has joined investigation in pursuance of order dated 02.08.2024 passed in CRM-M-37160-2024 whereas Rahul Sharma and Nitin Kumar @ Nindi have already joined investigation as per order dated 07.08.2024 passed in CRM-M-38331-2024. They are still ready to abide by the bail order. Therefore, their anticipatory bail may be allowed.

4. Status report has been filed in both the cases. It is pointed out that petitioners are specifically named. However, it is confirmed that Abhishek Sharma @ Abhi, Rahul Sharma and Nitin Kumar @ Nindi have joined investigation on 08.08.2024. Considering the gravity of offence, petitioners are not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. Present petitioners, as referred above, have already joined investigation. No purpose would be served by sending them behind the bars. They are ready to abide by the terms and conditions of bail order. Therefore, without going on the merits of the case, interim orders dated 02.08.2024 in favour of petitioner – Abhishek Sharma @ Abhi [in CRM-M-37160-2024] and 07.08.2024 in favour of petitioners - Rahul Sharma and Nitin Kumar @ Nindi [in CRM-M-38331-2024] stand confirmed subject to provisions under Section 438 (2) Cr.P.C.

6. Petitions are, accordingly, disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

19.11.2024

snd

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No

(AMARJOT BHATTI)
JUDGE