

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

CRM-M-39846-2023

Date of Decision:-05.02.2024

Vishvash Sharma @ Vishu.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondent.

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

Present:- Ms. Arshdeep Kaur, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Deputy Advocate General, Punjab.

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.181 dated 10.07.2021 under Sections 307, 379-B, 325, 323, 341, 506, 148, 149 IPC registered at Police Station Division No.6, Ludhiana, District Ludhiana.

2. The present FIR came to be registered at the instance of Lakhbir Singh son of Sh. Mukhtiar Singh which reads as under:-

“ Statement of Lakhbir Singh son of Mukhtiar Singh resident of 11.No. 14031, Street No.4, Parbhat Nagar, Police Division No.6, Ludhiana aged about 39 years, Mobile No.97808-03090. Stated that I am residing at the above stated address alongwith my family and running a Karyana shop at my home and am also supplying milk in the morning and evening time in my auto No.PB-10-FV-0849 make Mahindra Jeeto. On 07.07.2021 as usual I was going to supply the milk, then it was about 6.30 AM, when I was going back to home after

supplying the milk at Tilak Raj Karyana Shop. Then one Swift desire colour white with registration No. PB-31-N-4695 came before Gali no.2, from the main road and Baljit Singh son of Late Joginder Singh resident of H.No.15181, Street no.5, Mohalla Guru Arjan Dev Nagar, Ludhiana was driving the vehicle who is the neighbourer of my brother in law Jaspal Singh. He stopped his vehicle in front of my Auto. Paramjit Singh son of Late Joginder Singh resident of H.No. 15181, Street No.5, Mohalla Guru Arjan Dev Nagar, Ludhiana was sitting on the back seat and Vishu son of Parshotam Sharma resident of Old Bazar, Papran wali Gali, Sahnewal, Ludhiana and Kamaljit Singh @ Kamal son of Gursharan Singh resident of H.No.15181, Street No.5, Mohalla Guru Arjan Dev Nagar, Ludhiana were also sitting in the car. They took me out of my auto after coming down from their car and Harpreet @ Dimpi son of Deepak Singh resident of H.No.4572/1, Guli No.12, Quality chowk, Shimlapuri Ludhiana gave baseball blow to me on my head with intention to kill me. Then I raised both of my arms in my defence and the baseball blow hit on both of my Kamal and Vishu gave the baseball blows on my legs and arms. Kamaljit Singh Kamal has broken the Glass of my auto with baseball. I got frighten and raised alarm and so many persons gathered at the spot. After seeing the gathering the above stated assailants ran away from the spot in their car respective weapons while giving threats of life to me. While leaving the above stated persons forcibly taken away one gold chain, mobile marka Oppo-A 53 with sim No.97808-03090 and the money which I received after the sale of milk. In the mean time my brother in law Jaspal Singh and Gurdeep Singh sons of Sh. Heera Singh resident of H.No. 15149, Street No.03, Guru Arjan Dev Nagar, Ludhiana also came at the spot and took me to civil hospital, non availability of the doctor I was got admitted in CMC Hospital. The bone of contention is

that my sister in law Jaspreet Kaur moved one complaint against Baljit Singh and Jagatar Singh for committing of rape in police department. In order to pressurize me and my sister in law for the withdrawal of complaint they gave injuries to us in connivance with each other. Earlier also Paramjit Singh gave threats of life to me. I am under treatment at CMC hospital. I have got recorded my statement. Heard the same which is correct. Legal action may kindly be taken Sd/- Lakhbir Singh.”.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. A co-accused Kamaljit Singh @ Kamal has been granted the concession of bail by this Court vide order dated 02.06.2023 passed in CRM-M-27748-2023 (Annexure P-5). As the petitioner is in custody since 16.06.2023 and none of 18 prosecution witnesses have been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand has filed reply by dated 05.02.2024 way of Mr. Brij Mohan, PPS, ACP, Industrial Area-B, Ludhiana, Commissionerate in court today, which is taken on record. While referring to the reply, he contends that there are specific allegations levelled against the petitioner of having caused grievous injuries on the person of the complainant. Therefore, the petitioner was not entitled to the concession of bail. He however concedes that the co-accused Kamaljit Singh @ Kamal has been granted the concession of bail and that none of the 18 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial.

Admittedly, the petitioner is in custody since 16.06.2023 and none of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Vishvash Sharma @ Vishu** son of Sh. Parshotam Lal 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.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in the reply dated 05.02.2024.

9. 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.

10. 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.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 05, 2024
Vinay

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