



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59912-2024
Date of Decision: **09.12.2024**

VIKRAMJIT SINGH @ BIKRAMJIT SINGH @ VICKY
.....Petitioner

VERSUS

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Charanjit Singh Bakshi, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

Mr. Anurag Chopra, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.63, dated 16.11.2023, under Sections 307, 342, 382, 323, 325, 201, 506, 148 and 149 of IPC, 1860, and under Section 25/54/59 of the Arms Act, 1959, registered at Police Station Airport, Commissionerate Amritsar.

2. Succinctly, stated that the instant FIR was registered on a statement made by one Vikram Khullar, injured complainant. The relevant extract of the statement, which became the bedrock for registration of the instant FIR reads as under:-

“.....that I am resident of above said address. I have studied upto 10+2 standard. I am pursuing study of B.Com 1st Year from Baba Budha Sahib (Bir Sahib). Ekam Randhawa is the son of owner of Ekam Dhaba, Near Airport, Ajnala Road, Amritsar. He was junior to me in Spring Dale School. Three days back, Ekam Randhawa made phone to me from his mobile no. 7719777711 at my mobile no. 8759400006. He has given abuses to me and said that he will see me. I said to Ekam that I do not have any dealing with you. If you want to hold any talk, then to do it with my family members. But he continuously given abuses to me. He has caused harassment to me and has given threats while on phone call. However, I stopped attending the phone calls of his mobile no.7719777711. But he continuously made phone call to me. Today on dated 15.11.2023, I was present at my house. I have received call at my mobile no. 8759400006 from mobile no. 9878397797 of some unknown person. When, I have attended the phone call, the person speaking from other side was Ekam Randhawa. He said that you have no need to worry. You may come at Ekam Dhaba and he has to hold some urgent talk with me. Then he handed over the phone to other person. He said that his father of Ekam Randhawa and said to me to visit him because they have to hold some urgent talk. Because of the good attitude shown by both father son duo, I have believed them. Then I alongwith my friend Rachit Sharma son of Sudhir Sharma resident of 530/630, Namak Mandi, Amritsar reached at Ekam Dhaba on my white color Honda City Car No. PB02ED0600. It will be around 11:30 AM, Ekam Randhawa armed with baseball, Jarmanjit Singh @ Jimmy armed with pistol, Vikramjit Singh armed with hockey alongwith 10/12 other unidentified persons, whom I can identify while they will present before me. They were also armed with baseball, daangs and hockey. They at once came and at the instigation of Ekam Randhawa, Jarmanjit Singh @ Jimmy raised Lalkara that; to nab Vikram Khullar and teach him lesson to have tussle with our son Ekam. Then all the persons came toward us. I made request to them that I came here at the asking of his father to hold talk. But nobody heard us. Vikramjit Singh came and pushed me and threw me down. Then he given blow of his hockey at my legs while I was fallen. The same was hit at the calf muscles of my both legs. Then in my presence Ekam blow of his baseball at my friend Rachit Sharma. However, he raised his left arm to same him. But the blow was hit at the elbow of his left arm. Then all of them started giving beatings to me with their weapons. Out of them, Jarmanjit Singh @Jimmy, who seems to be a person of matured age, I said to him that uncle please don't do it. If you want to hold talk, then to hold the same with us. Then Jarmanjit Singh came near me and put his pistol at my ear and caught my friend Rachit with the help of other persons and have taken both of us in a room of Ekam Dhaba at gun point. There Jarmanjit Singh snatched the gold chain worn around my neck and Ekam took out purse from my pocket and Vikramjit Singh asked his accomplices to give beatings to us. Then everyone started giving beatings to us. While receiving beatings, I fell down unconscious. Thereafter, I alongwith my friend Rachit Sharma who is under treatment in Ranjit Hospital. Ekam Randhawa, Vikramjit Singh @ Vikram and Jarmanjit Singh @ Jimmy and 10/12 unidentified persons armed with different weapons deceitfully called me and my friend Rachit to Ekam Dhaba and have given beatings to us with intention to kill us, inflicted injuries to us and snatched my gold chain, gold ring worn in my hand as well as my purse at gun point. Action may kindly be taken.....”

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, submits that the only role attributed to the present petitioner, is that he gave hockey blow on the legs of the complainant-Vikram Khullar, whereas there is no attribution to the present petitioner, to cause any injury to another victim Rachit Sharma, and there is a delay in conducting the medico-legal-examination.

4. He further submits that the petitioner is a man of clean antecedents, and has suffered incarceration of more than 02 months in the instant matter.

5. Finally, he rests his argument to submit that the injury which is attributed to the present petitioner, are in simple in nature.

6. *Per contra*, the learned State counsel assisted by learned counsel for the complainant, has vociferously opposed the asked for relief to the present petitioner, and submits that the manner in which both Vikram Khullar and Rachit Sharma, were beaten black and blue, the petitioner does not deserve to be released on regular bail.

7. She has filed a custody certificate *qua* the petitioner today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 02 months and 09 days, as on today.

8. She, on instructions, imparted to her by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed way back on dated 11.09.2024, whereas, charges are yet to be framed. She further

informs this Court that investigation *qua* other co-accused is still pending consideration.

9. This Court has considered the rival submissions made by learned counsel for the parties concerned, and has gone through the entire case file, and is of the considered opinion that though the petitioner has raised the issue of delay in conducting medico-legal-examination, and plea of alibi, however, at this stage, this court is not inclined to consider such plea, while deciding the instant petition seeking regular bail, however, considering the following reasons, the instant petition is amenable for being allowed:-

- (i) the injury attributed to the present petitioner is simple in nature;
- (ii) the petitioner has suffered incarceration of 02 months and 09 days, as on today;
- (iii) the petitioner is a man of clean antecedents;
- (iv) the trial is yet to commence, as charges have yet not been framed;
- (v) no fruitful purpose would be served by keeping the petitioner behind the bars;
- (vi) trial is not likely to conclude anytime soon.

10. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

12. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

13. All pending application(s), if any, also stand **disposed** of accordingly.

December 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No