



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

**CRM M-17476 of 2025 (O&M)
Date of Decision: 20.08.2025**

Akash Kumar @ Aaka

...Petitioner

Versus

State of Punjab

... Respondent

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

Present : Mr. Gaurav Goyal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of B.N.S.S., 2023 with a prayer to grant regular bail in case FIR No.53 dated 10.03.2023 registered under Sections 307, 458, 380, 323, 427, 148, 149, 326 and 325 of IPC at Police Station City Rampura, District Bathinda.

2. The FIR in the present case has been registered on the basis of the statement made by Munish Kumar son of Tarsem Sharma and the same has been reproduced below:-

“Statement of Munish Kumar son of Tarsem Sharma son of Tejram, r/o Kalgidhar colony, Rampura Mandi, aged about 34 years, mobile no.94781-62871. Stated that I am resident of above mentioned address and I am running a restaurant named Food Villa at supermarket Rampura. I have kept a room for residence above the restaurant, where I stay when workload is heavy. On 8.3.2023, I was present in my restaurant, then at about 8.00 PM, Sanjay r/o Phul road, Rampura having Toka, Laden r/o Sidhana having Kuhari, Aakash Kumar Aaka r/o Phul Road, Rampura having Kirpan, Vasu r/o Rampura, Nikku r/o Rampura, Mohit r/o Gillkalan road, Rampura, Kulwinder @ Paddi r/o Jaurepul Rampura, Mohan Tanwar r/o Gill Kalan road, Rampura, Rohit, Ramu, Kaka r/o Rampura and 5/7 unknown persons, who can be identified by me if brought before me, all these persons were armed with Dangs, sticks, kirpans and deadly weapons and entered my restaurant and with an intention to kill me, Sanjay above mentioned gave a blow of Toka which he was holding in his hand with the intention to kill me towards my head and in order to save myself, I raised my left hand and Toka hit on fingers of left hand. Then Aakash @ Aaka gave a Kirpan blow which he was holding in his hand towards me and it fell on my left shoulder and Laden gave a blow of Kuhari, which he was holding in his hand towards my head and its backside hit my head. Then these persons, with intention to kill me, attacked me and started giving blows of weapons which they were holding. In order to save myself, I took a chair and tried to save myself. Then I fell down and they gave severe beatings to me and mobile

phone Vivo which was lying on my counter, having SIM no.9478162871 and 78145-50009 and cash around Rs. 4500/- was taken away. I started shouting "Marta Marta". Then my brother Ramandeep Sharma came inside and witnessed the incident with his eyes and he also started shouting. Then all of them along with their weapons and my mobile and money, fled from the spot while raising Lalkaras and their weapons in the air. The reason for enmity is that last year above mentioned Sanjay had came to my restaurant and after eating and drinking and were creating nuisance due to which I had thrown him out of the restaurant by holding his hand and at that time, Sanjay had threatened to see me. Due to this reason, Sanjay along with his accomplices with an intention to kill me, has caused injuries to me and destroyed my restaurant. Legal action be taken against these persons. Statement has been recorded and it is correct. Signed Manish Kumar”.

3. Learned counsel for the petitioner contends that as per the complainant, the petitioner was carrying a *Kirpan* (a sharp edged weapon) and gave a blow with the same on the left shoulder of the complainant. He further contends that the said injury has been declared to be simple in nature. The petitioner was arrested in the present case on 12.03.2023 and is in custody for the last 02 years and 05 months. He further contends that the prosecution has been able to examine only 05 witnesses out of 21 witnesses and the conclusion of the trial may take quite a long time. Learned counsel further contends that co-accused Raju Singh @ Laden has been granted the concession

of bail by this Court vide order dated 22.05.2025 passed in CRM M-15674-2024.

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, the petitioner is stated to be in custody for the last more than 02 years and 05 months. Even, the injury attributed to him has been declared to be simple in nature. Moreover, the prosecution has been able to examine only 05 witnesses so far and the trial Court may not conclude the trial in near future.

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.

20.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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