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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28223-2024
Date of decision:-12.03.2025

SHIVAM CHAWLA
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.S. Ghuman, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Haryana.
Mr. Abhishek Batta, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
330	21.08.2023	326-A, 323, 34 IPC	City Ferozepur

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of civil dispute qua the possession of property between the petitioner and the complainant party. He contends that petitioner is not involved in the occurrence as alleged and is in custody since 05.02.2024. He submits that after completion of investigation challan has already been presented in Court wherein prosecution has cited 23 witnesses and till date and only 9 witnesses



have been examined. He submits that all the material witnesses have been examined. He has also assailed the version of the prosecution on the ground that the injured had got their self examination from a private hospital rather than opting to get treatment from the Government hospital which was a stone's throw away. He contends that the civil dispute regarding the property has already been filed by the petitioner on 15.07.2023 and in fact the complainant party was aggressor party. Hence prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State, has assailed these arguments and sought dismissal of the bail petition on the ground that the petitioner is alleged to have caused burn injuries to Somil Uppal which was found to be grievous, as such, he does not deserve linency.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution registered on the statement of complainant Gulshan Kumar Uppal stating that he had taken a dairy from one Vijay on lease and on 20.08.2023 at about 10:30 am he along with three other persons had gone to dairy where altercation took place between them and petitioner alongwith Sudarshan Chawla leading to Sudarshan Chawla throwing acid on the complainant besides giving baseball blows on his head, left eye and nose. When the son of the complainant namely Somil Uppal came forward to rescue, the petitioner poured acid on his back and left arm followed by Neelam wife of Sudarshan Chawla poured acid on Satish Kumar, on the alarm being raised, the assailants ran away and the injured were shifted to hospital.



6. It is observed that the allegations qua the petitioner happens to be of having poured acid on the person of Somil Uppal thereby causing burn injuries on his back and left forearm. Similarly situated co-accused Sudarshan Chawla has already been granted concession of bail by learned District and Sessions Judge vide order dated 08.04.2024 (Annexure P-9). The pendency of civil dispute *inter-se* parties is not disputed and even admitted in the reply filed by the State. The petitioner is not having any criminal antecedents and is in custody since 05.02.2024 and after completion of investigation, challan has already been presented in court, wherein 23 witnesses have been cited by the prosecution and till date 9 material witnesses have been examined, as such, conclusion of trial to ascertain criminal liability, if any, of petitioner will take sufficient long time.

7. Therefore, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

12.03.2025

Gyan

i)

Whether speaking/reasoned?

Yes/No

ii)

Whether reportable?

Yes/No