

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PB-00057).

CIS Number: 2776 of 2021
CNR No.PBHO01-007826-2021
Date of Order: 29.11.2021

Paras Sharma, aged about 25 years son of Pardeep Kumar, resident of Ward
No.26, Gauran Gate, Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.317 dated 29.10.2019.
Uss 307, 325, 323, 324, 427, 506, 148 & 149 of IPC
Police Station Model Town, Hoshiarpur.

(Third application for regular bail U/s 439 Cr.P.C).

Present: Shri Pankaj Bedi, Counsel for applicant-accused.
Public Prosecutor, for the State.

ORDER:

Applicant-accused Paras Sharma is seeking regular bail in the
above mentioned FIR. This is third bail application filed by the applicant-
accused. The trial is pending in this Court. The second bail application was
withdrawn by the applicant-accused on 31.8.2021. The regular bail
applications of co-accused Deepak Kumar @ Binny and Sourav Jindal are
already been granted by this Court vide orders dated 30.7.2021 and 14.9.2021.
The co-accused Rohit Kumar @ Ishu Sharma was granted anticipatory bail
vide order dated 11.6.2021 by the Court of Shri Gopal Arora, Learned ASJ,
Hoshiarpur while regular bail application of co-accused Sohan Lal was
granted vide order dated 7.3.2020 by the Court of Shri K.S Cheema, the then
Learned ASJ, Hoshiarpur. The applicant-accused is seeking the concession of
bail on the ground of parity. The role of the applicant is not grave than the
other co-accused. Even, applicant is not named in the FIR and no specific
injury is attributed to him. It is further pleaded that no offence under section
307 IPC is made out as according to medical record, no injury was declared
dangerous to life. The applicant-accused has been falsely implicated. He was

arrested on 30.3.2020 and since then, he is in custody. Nothing was recovered from the applicant. The conclusion of trial will take time. The applicant-accused undertook to abide by the terms of bail and prayed for releasing him on regular bail.

2. Upon notice, Learned Public Prosecutor for the State has orally opposed the bail application.

3. I have heard the arguments of Learned Counsel for applicant-accused and Learned Public Prosecutor for the State and have perused the record carefully. As per version of prosecution, the FIR was recorded on the statement of complainant Rahul Bhanot son of Shakti Singh Bhanot, resident of House No.664, Sector-21, Panchkula, presently residing at Gali No.3, Shalimar Nagar, Hoshiarpur who stated before the police that he is he alongwith his wife Renu are running IELTS in the name of Choral Overseas Studies at Phagwara Road, Near Government College Chowk, Hoshiarpur in the Harkhowal Building. On 29.10.2019, at about 9.45/10.00 AM, he proceeded from his house at Shalimar Nagar towards institute on his Fortuner Car bearing Registration No.CH-01AH-1677 and parked his Car along the wall of College. In the meanwhile, he saw in front, six persons duly armed with *Khanda*, baseball grips were sitting on two Activa Scooters. Complainant further stated that Sourav Jindal armed with *Khanda* attacked on his head and his other companions also attacked upon him with baseball, *Khanda*, Grips etc, as a result of which he fell down on the ground and then accused gave several blows on his head and back while he was laying on the ground. They also broken the glasses of the Car and damaged his Car. Accused persons left the spot with their respective weapons after hurling threats of killing. He got unconscious and was shifted to Civil Hospital by his wife Renu and students after arranging vehicle. Motive behind this occurrence was that earlier Sourav Jindal alongwith 3-4 unknown persons attacked on him and his family and

FIR No.201 dated 10.7.2019 was registered against the accused under Sections 323, 341, 354, 427 & 506 IPC, Police Station Model Town, Hoshiarpur. He prayed for taking action against the culprits.

4. MLR No.828/RV/CH/HSP Oct 2019 of Rahul Bhanot injured-complainant was obtained wherein he sustained 7 injuries on his person out of which injuries No.1 to 4 were caused with sharp-edged weapon. However, injuries No.1 to 5 were kept under surgical opinion, injury No.6 under eye opinion while injury No.7 was kept under Dental opinion. The injury No.7 was declared as grievous in nature and vide DDR No.34 dated 27.12.2019, Section 325 IPC was added. Accordingly, case was registered against the accused under Sections 307, 325, 323, 324, 427, 506, 148 & 149 IPC. Later on, accused were arrested and got recovered the weapons used in the offence.

5. Learned Counsel for applicant-accused has vehemently argued that the applicant is seeking bail on the ground of parity as co-accused have already been granted bail and applicant is in custody since long i.e. 30.3.2020. Even, no offence under Section 307 IPC is made out against the applicant-accused and nothing is to be recovered from him. The conclusion of trial will take time, as such applicant-accused be released on bail. Learned Public Prosecutor for the State, on the other hand has argued that allegations against the applicant-accused are serious as he in conspiracy with his companions attacked the complainant with deadly weapons and caused him serious injuries. Even injury on the person of complainant declared grievous in nature was attributed to applicant-accused, hence the applicant-accused should not be released on bail.

6. This is third bail application filed by the applicant-accused. Perusal of record reveals that Sourav Jindal alongwith his companions including the applicant-accused in conspiracy of each other attacked complainant Rahul Bhanot with deadly weapons and gave serious injuries on

his person on 29.10.2020, when he was just to enter his institute. As mentioned above, injured had sustained 7 injuries out of which 6 injuries were declared simple in nature.

7. Challan is pending in the Court of undersigned. There is no injury declared dangerous to life. Even co-accused Sohan Lal has been granted bail on 7.3.2020 by the Court of Shri K.S Cheema, the then Learned ASJ, Hoshiarpur; the other co-accused Rohit Sharma @ Ishu Sharma has been granted anticipatory bail vide order dated 11.6.2021 by the Court of Dr.Gopal Arora, Learned ASJ, Hoshiarpur, co-accused Deepak Kumar @ Binny has been granted regular bail by this court vide order dated 30.7.2021 and co-accused Saurav Jindal was granted regular bail by this Court vide order dated 14.9.2021. The applicant is in custody since his arrest i.e. 30.3.2020. The conclusion of trial will take time. When the co-accused are already on bail, as such there is change of circumstances now and the applicant-accused is entitled to get bail on the ground of parity. Though, the injury No.7 declared grievous in nature was attributed to applicant-accused Paras Sharma. Without commenting further on the merits of the case, no useful purpose will be served by keeping the applicant-accused in custody, rather it will be burden on the State Exchequer. Thus, this third bail application filed by applicant-accused Paras Sharma, under Section 439 Cr.P.C is hereby allowed on the ground of parity and he is directed to be released on bail subject to his furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount, to the satisfaction of Duty/Trial Judge, subject to the conditions that he will appear in the court on each and every date of hearing, will not tamper with the prosecution evidence and will not leave India without prior permission of this court. File be attached with the main trial pending in this Court.

Announced in open Court:
Dated: 29th November, 2021.

‘Gautam Manocha, JW (SG)’

(Jatinder Pal Singh Khurmi),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PB-00057).

Paras Sharma Versus State. BA No.2776-2021.
(CNR No.PBHO01-007826-2021).

Present: Shri Pankaj Bedi, Counsel for applicant-accused.
Public Prosecutor, for the State.

Record produced. Arguments heard. Vide my separate detailed order of even date, this third bail application filed by applicant-accused Paras Sharma under Section 439 Cr.P.C, has been allowed, as detailed therein. Police record returned. File be attached with the main trial pending in this Court.

Announced in open Court:
Dated: 29th November, 2021.
'Gautam Manocha, JW (SG)'

(Jatinder Pal Singh Khurmi),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PB-00057).