

IN THE COURT OF PARMINDER SINGH GREWAL,  
ADDITIONAL SESSIONS JUDGE (UID NO.PB0438),  
JALANDHAR.

|                     |                    |
|---------------------|--------------------|
| CIS No.             | BA/110/2021        |
| CNR                 | PBJL01-000229-2021 |
| DATE OF INSTITUTION | 08.01.2021         |
| DATE OF DECISION    | 21.01.2021         |

Vansh Arora @ Honey @ Topi son of Sh. Anil Kumar, resident of B-1/1022, Gali No.8, Kabir Nagar, Jalandhar.

...Accused/applicant

Versus

State of Punjab

....Respondent.

FIR No.152 dated 16.11.2020  
Under Sections 341, 324, 326, 148, 149 of Indian Penal Code  
PS Division No.2, Jalandhar.

First bail application Under Section 439 Cr.P.C

Present: Sh. R.K.Bhalla, Advocate, counsel for the petitioner.  
Sh. Gagandeep, Addl. PP for the state.

1. This order of this Court shall dispose of bail petition filed by petitioner Vansh Arora @ Honey @ Topi for releasing him on regular bail under Section 439 Cr.P.C. in case FIR No.152 dated 16.11.2020, under Sections 341, 324, 326, 148, 149 of Indian Penal Code, registered at PS Division No.2, Jalandhar.

2. The counsel for the petitioner has argued that the present petitioner has been falsely implicated in the present case. He has further argued that the present petitioner has not committed any offence. He has further argued that the present petitioner has already suffered custodial

interrogation as he is in custody since 20.12.2020. He has further argued that the investigation of the present case at its initial stage and the conclusion of the trial is likely to take considerable time. He has thus, prayed that present bail petition may kindly be allowed.

3. On other hand, Ld. Addl. PP for the State assisted by the investigating officer has submitted that the present petitioner in connivance with his other co-accused have caused grievous as well as simple injuries with sharp edged weapon on the person of the complainant Anil Kumar. He has, thus, prayed for dismissal of the present bail petition.

4. This court has heard both the learned counsel for the petitioner and Ld. Addl. PP for the State and perused the record with their able assistance.

5. This court is of the considered view that as per allegations levelled in the present FIR against the present petitioner, it has been alleged that on dated 05.11.2020 at about 10.30/11.00 AM, the complainant was going to the house of his maternal aunt (Massi) at Bed Market Kotwali Bazar to take his brother Shakti and when the complainant reached in the street in front of Dolphin Hotel, then the present petitioner alongwith his co-accused Lovepreet Singh, Rahul Sabharwal, Ajay Tokar and many others stopped him. It has further been alleged that the aforesaid Lovepreet Singh has caught hold of his arm and the aforesaid Rahul Sarbhwal has inflicted datar blow which his on the left hand of the complainant and aforesaid Shiva has inflicted datar blows on the head of the complainant. It has further been alleged that the

accused Preet has inflicted baseball bat blows which hit on the ear of the complainant. It has further been alleged that the Ajay Tokar, the co-accused of the present petitioner has instigated the other assailants to cause injuries on the person of the complainant. It has further been alleged that Kaka Malhotra, the co-accused of the present petitioner has inflicted injuries on the back of the complainant, as a result of which the complainant became unconscious and fell on the ground and the assailants ran away from the spot. It has further been alleged that in the aforesaid occurrence, two mobile phones i.e. Six Plus and other VIVI Y-91 of the complainant have been lost. Furthermore, this court is of the considered view that the present petitioner has already suffered custodial interrogation and is in custody since 18.12.2020. Furthermore, this court is of the considered view that the investigation of the present case is at its initial stage and the conclusion of the trial is likely to take up considerable time. Therefore, no useful purpose will be served by keeping the present petitioner in further judicial custody. Furthermore, the name of the present petitioner is not mentioned in the FIR and the present petitioner has been nominated as accused in the present case on the basis of disclosure statement of the one Rahul Sabharwal, the co-accused of the present petitioner. Furthermore, no injury has been attributed to the present petitioner in the present FIR. Furthermore, the statement of the complainant under Section 161 Cr.P.C. during the course of investigation has not been recorded till date.

6. In view of reasons discussed herein before, the bail petition

filed by the present petitioner under Section 439 Cr.P.C. is hereby allowed and the present petitioner is ordered to be released on regular bail under Section 439 Cr.P.C. on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Illaqua/Duty Magistrate subject to following conditions:-

- (i) a condition that he shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that he shall not leave India without the previous permission of the Trial court.

7. Copy of this order be sent to learned trial court. The present bail petition is allowed in the above terms. File be consigned to the Record Room.

**Pronounced in open Court.**  
**21.01.2021**  
***Som Nath\****

**(Parminder Singh Grewal),**  
**Additional Sessions Judge,**  
**Jalandhar (UID NO.PB0438)**