

**IN THE COURT OF SHRI H.S. GREWAL,
SESSIONS JUDGE, MANSA
(UID NO.PB0081)**

Bail application No.583

Date of institution: 25.11.2024

CIS No.BA/1603/2024

CNR No.PBMN010044942024

Date of order: 28.11.2024

Parvesh Sharma, aged about 45 years, son of Sh.Shiv Kumar, resident of
Khalifa Bagh, opposite Max Autos, Dhuri Road, Sangrur.

--- Applicant-accused

Versus

Nazar Singh Manshahia, Ex. MLA, Mansa constituency son of
Sh.Mehma Singh, resident of DAV School Street, Water Works Road,
Mansa, Police Station City-1 Mansa, Tehsil and District Mansa.

--Respondent-Complainant

Bail application under Section 482 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 for issuing a direction to the learned
Chief Judicial Magistrate, Mansa to release the applicant on
bail in complaint case titled as Nazar Singh Manshahia Vs.
Bhagwant Mann and others, bearing No.COMI/177/2019.

Present: Shri Nirpal Singh Dhaliwal and Shri G.S. Bhimra,
Advocates, counsel for the applicant-accused.
Shri R.P. Sharma, Advocate, counsel for the respondent/
complainant.

ORDER

This order of mine shall dispose of an application filed on behalf of applicant Parvesh Sharma for issuing a direction to the learned Chief Judicial Magistrate, Mansa to release the applicant on bail in the complaint case titled as Nazar Singh Manshahia Vs. Bhagwant Mann and others.

2. In pursuance of notice of the application having been issued, Shri R.P. Sharma, Advocate has put in appearance and filed power of attorney to assist on behalf of the respondent-complainant. Record has been requisitioned from the learned trial Court. Report of Ahlmad has been perused. As per report of Ahlmad, no application filed by the applicant is pending nor any application has been decided by the Hon'ble High Court. However, quashing petition is pending before the Hon'ble High Court.

3. Learned counsel for applicant has vehemently argued that a criminal complaint has been filed by Nazar Singh Manshahia against Bhagwant Mann and others under Section 500 read with Section 34 of IPC. The applicant was serving as a Press Correspondent for The Tribune in the year 2019. A petition was preferred in the Hon'ble High Court and vide initial order dated 28.01.2021 the Hon'ble High Court was pleased to direct the learned trial Court to adjourn the case beyond the date fixed by the Hon'ble High Court i.e. 05.03.2021. He has argued that thereafter the case has been adjourned from time to time and it was finally vide order

dated 24.10.2024 that the case has been adjourned to 29.01.2025 by the Hon'ble High Court and it has been directed that till the next date of hearing, interim order(s) in respective case(s) shall continue. He has argued that as the matter is still sub judice before the Hon'ble High Court, learned trial Court has fallen in error by issuing non-bailable warrants against the applicant. The applicant shall cause appearance before the learned trial Court and he has been regularly causing appearance even earlier. He has urged that even otherwise, the learned trial Court was duty bound to adjourn the case beyond the date accorded by the Hon'ble High Court and nothing could have been done except for according the adjournment beyond the said date. Thus, the application be allowed.

4. On the other hand, learned counsel for the respondent-complainant has hotly opposed the contentions and has argued that the applicant did not cause appearance before the learned trial Court. Rather, the complainant has learnt as to the applicant having gone abroad even without seeking permission of the Court. Thus, the learned trial Court was well within its domain to issue process for procuring presence of the applicant. The, application be dismissed.

5. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, coupled with perusal of the record of learned trial Court and the orders passed by the Hon'ble High Court, it is apt to make mention that it was vide order dated 28.01.2021 upon the petition preferred by

Rajesh Ramachandran and another Vs. State of Punjab and another, CRM-M-3815-2021 that the Hon'ble High Court was pleased to direct the learned trial Court to adjourn the case beyond the date fixed before the Hon'ble High Court and case was adjourned for 05.03.2021. The subsequent orders passed by the Hon'ble High Court in the said petition when taken glance of, it further substantiates that finally vide order dated 24.10.2024 the Hon'ble High Court has been pleased to further direct that till the next date of hearing, interim order(s) in respective case(s) referred therein i.e. CRM-M-3815 of 2021 and CRM-M-3907 of 2021 to continue and case has been adjourned for 29.01.2025. Thus, from the spirit of the order, it can be safely gathered that the learned trial Court was in actual directed to accord the date beyond the date fixed by the Hon'ble High Court and nothing was to be done except for according the adjournment. Hence, taking into note the totality of the facts and further in the ends of justice, the Court finds merit in the submissions put forth by learned counsel for the applicant. The applicant is directed through his counsel to cause appearance before the learned trial Court up to 04.12.2024 and on his putting in appearance, the learned trial Court shall admit the applicant to bail on its satisfaction. The learned trial Court shall also take note of the fact with regard to the directions accorded by the Hon'ble High Court as the procedure to be followed and the purpose to be served has to reckoned from spirit of the order. With the above observations, this application stands allowed. Copy of order be sent to the learned trial

Court for compliance. Record of learned trial Court be returned. File be
consigned to the record room.

Announced:
28.11.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081)

Sukhwinder Singh SG-II

CNR No.PBMN010044942024

BA/1603/2024

Parvesh Sharma Vs. Nazar Singh Manshahia

Present: Shri Nirpal Singh Dhaliwal and Shri G.S. Bhimra,
Advocates, counsel for the applicant-accused.
Shri R.P. Sharma, Advocate, counsel for the
respondent/complainant.

In pursuance of notice having been issued, Shri R.P. Sharma,
Advocate has put in appearance and filed power of attorney to assist on
behalf of the respondent-complainant. Arguments have been heard. Vide
separate detailed order of even date, the application has been allowed as
detailed therein. Copy of order be sent to the learned trial Court for
compliance. Record of learned trial Court be returned. File be consigned
to the record room.

Announced:
28.11.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081)

Sukhwinder Singh SG-II