

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.M-33798 of 2019

Date of Decision: August 19, 2020

Sanjeev Kumar @ Sanju

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

. . .

PRESENT: - Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Amar Ashok Pathak, Additional Advocate General,
Punjab.

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Sant Parkash, J

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.

The present petition has been preferred by petitioner – Sanjeev Kumar @ Sanju, for grant of regular bail in case FIR No.151 dated 25.11.2018 under Sections 307, 326, 324, 341, 201, 34 IPC, registered at Police Station, Jalandhar Cantt, Police Commissionerate Jalandhar.

The FIR was registered at the instance of Kaushal Pal (a financier), wherein it has been alleged that on the day of occurrence i.e. 24.11.2018, petitioner and his brother Vikram Singh @ Bikram Singh @ Vicky attacked the complainant when he was passing through a street on

foot, alongwith his partner Sunny. The complainant was caught hold by co-accused Vikram Singh while petitioner – Sanjeev Kumar @ Sanju gave knife blows on his chest and shoulder, with intention to kill him.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The complainant was never got examined in any government hospital and the medical certificate on which the prosecution has relied upon, was issued by some private hospital. There is unexplained delay in lodging the FIR. Out of three injuries inflicted on the person of complainant, two have been declared as simple. The petitioner was arrested in this case on 21.02.2019 and is in custody for almost one year and six months. Co-accused has already been released on bail by this Court vide order dated 04.07.2019 passed in **Criminal Miscellaneous No.M-25759 of 2019**.

Learned Counsel for the respondent – State has submitted that it is a case where both the accused are real brothers. As per the MLR issued from the hospital, two incised wounds were found on the chest of the complainant and one incised wound was found on his shoulder, out of which, one injury has been declared to be grievous in nature.

I have heard counsel for the parties and perused the record.

As per the MLR, three injuries including one grievous injury were inflicted on the person of the complainant, whereafter CT scan was advised, report of which, is placed on record as Annexure P-3. The injuries inflicted on the person of complainant are as under :-

“1. An incised wound 2 cm X few mm placed slightly obliquely present on right anterior aspect of chest 2 inch above the right nipple. Clotted blood present. Bleeds on cleaning Tenderness present. Injury kept under observation for CT scan and operative notes.

2. An incised wound 3.5 cm X 1.5 cm placed slightly obliquely present on right anterior aspect of abdomen 7 inch below the right nipple. Clotted blood present. Bleeds on cleaning. Tenderness present. Injury kept under observation for CT scan and operative notes.

3. An incised wound 3 cm X 1.5 cm places slightly obliquely present in the Left scapular area. Clotted blood present. Bleeds on cleaning. Tenderness present. Injury kept under observation for CT scan and operative notes.”

During the course of arguments, it has emerged that the statement of the complainant has already been recorded. It is further not in dispute that the cases including the present case are being adjourned on account of the on-going pandemic covid-19. The case of the petitioner is not going to be disposed of at an early date and further considering that he is behind bars for the last more than 1 year and six months, and that co-accused has already been granted the bail by this Court, no useful purpose would be served by keeping him in custody. Accordingly, the petition is accepted and petitioner – Sanjeev Kumar @ Sanju, is ordered to be released on bail on furnishing of bail/surety bonds to the satisfaction of concerned trial court/ Chief Judicial Magistrate/Duty Magistrate.

**(Sant Parkash)
Judge**

August 19, 2020

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No