

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(I)

CRM-M-26357-2022 (O&M)

Sajan Sukhija

...Petitioner

Versus

State of Punjab

...Respondent

(II)

CRM-M-35086-2022 (O&M)

Sumit Kataria

...Petitioner

Versus

State of Punjab

...Respondent

Date of Decision: 07.09.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Harmeet Singh, Advocate, for
Mr. Vikram Anand, Advocate, for the petitioner
in CRM-M-26357-2022.

Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. N.S.Sidhu, Advocate, for the petitioner
in CRM-M-35086-2022.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Jasbir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two petitions filed on behalf of Sajan Sukhija and Sumit Kataria respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.65 dated 05.04.2022 registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 307/323/34 IPC and Sections 25/27 of the Arms Act.

2. The FIR in question was lodged at the instance of Jaspreet Singh @ Jassu wherein it has been alleged that on the day of occurrence i.e. 05.04.2022, when he alongwith his brother Sukhpreet Singh was present near bus stand, Village Fatehpur Mania, then they noticed a white coloured Swift car bearing registration No.PB04-A-4582 in which 4 persons were sitting. When they reached near the said car, all of them got out of the car. It has been alleged that Navkiran Singh was armed a pistol, Anmol Singh Maan was carrying an iron rod, Gurmeet Singh Brar was also armed with iron rod while the 4th one was an unknown person. It is alleged that Navkiran Singh raised a *lalkara* exhorting his companions not to spare the complainant and his brother. Thereafter, Anmol Singh Maan gave a blow with iron rod hitting on the complainant's forehead. Gurmeet Singh Brar gave a blow with iron rod hitting the rear side of complainant's head. Navkiran Singh fired from his pistol which hit the right thigh of the complainant. When the complainant's brother Sukhpreet tried to rescue him, then all of the accused gave beatings to complainant's brother as well. When the complainant and his brother raised alarm, the accused ran away from the spot.
3. It is further the case of the prosecution that 3 injuries were found on the person of the complainant Jaspreet Singh i.e. 2 injuries on his head and 1 on his thigh. Sukhpreet Singh was also found to have sustained 1 injury on his head. All the injuries were found to be simple in nature.
4. Learned counsel for the petitioners have submitted that they are nowhere named in the FIR and have been nominated either on the basis of

- supplementary statement of the complainant or on the basis of disclosure statements. It has further been submitted that in any case it is the 3 persons, who were specifically named in the FIR i.e. Navkiran Singh, Anmol Singh Maan and Gurmeet Singh Brar who are alleged to have inflicted injuries and that no other person is attributed any specific injury.
5. Opposing the petitions, learned State counsel has submitted that on 30.04.2022, the complainant had made a supplementary statement nominating Sandeep Singh @ Sonu as a conspirator with the remaining accused having harboured other co-accused after the offence had been committed. Learned State counsel has submitted that when the said Sandeep Singh came to be arrested, he suffered a disclosure statement on 03.05.2022 to the effect that the petitioner Sajan Sukhija was also hand in glove with the remaining accused and had conspired with them and had provided vehicles to them. It has further been submitted that the complainant Jaspreet Singh made another supplementary statement on 06.06.2022 nominating Sumit Kataria as the 4th unknown person, who was accompanying the other 3 accused specifically named in the FIR. Learned State counsel has submitted that the complainant in the said supplementary statement had stated that Sumit Kataria had also inflicted injuries alongwith his co-accused to the complainant and his brother.
6. Learned State counsel has, however, informed that as on date while petitioner Sajan Sukhija has been behind bars since the last more than 4 months, petitioner Sumit Kataria has been behind bars since the last more than 3 months and that challan stands presented. It has also been

informed that while petitioner Sajan Sukhija is not involved in any other case, petitioner Sumit Kataria is involved in one more case in respect of an offence under the Gambling Act.

7. This Court has considered rival submissions.
8. It is not in dispute that none of the petitioner is named in the FIR. Though as per the supplementary statement made by the complainant, petitioner Sumit Kataria, who was accompanying the other accused when the occurrence took place, is stated to have inflicted injuries, but no specific injury is attributed to him. In fact, a perusal of the FIR would indicate that only 3 persons, who were specifically named in the FIR, are stated to be armed. As far as petitioner Sajan Sukhija is concerned, admittedly he was never present at the spot and had been nominated as an accused on the basis of a disclosure statement made by co-accused Sandeep Singh @ Sonu to the effect that he had provided vehicle to the main accused to facilitate the commission of offence. Petitioners Sajan Sukhija and Sumit Kataria have been behind bars for the last more than 4 months and 3 months respectively and challan already stands presented.
9. Having regard to the facts and circumstances of the case and while also noticing the role attributed to the aforesaid petitioners, this Court is of the opinion that both the petitioners deserve the concession of bail. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. A photocopy of this order be placed on all the connected files.

07.09.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No