

2023:PHHC:143737

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

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**CRM M-55153 of 2023
Date of Decision: 09.11.2023**

Sandeep Singh @ Sunny

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Rhythem Bajaj, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0046 dated 17.04.2023 registered under Sections 395, 324 and 323 IPC (offence under Sections 397, 326 and 201 IPC added subsequently) at Police Station Khuian Sarwar, District Fazilka.

2. The FIR in the present case was registered on the basis of the statement made by Milk Raj, complainant. As per him, on 16.04.2023, he along with Deepak Kumar were proceeding on two wheeler after finishing their work at about 10:00 PM, a motorcycle driven by Sandeep Singh had hit his motorcycle from behind and

Harpreet Singh @ Kharku and one unknown person were pillion rider on the said motorcycle. Lovejeet Singh, was riding on another motorcycle with an unknown person. On stopping, Sandeep Singh petitioner inflicted a blow with Kappa on the left hand of the complainant and Harpreet Singh @ Kharku inflicted blow with a stick on the left wrist of the complainant, who fell down. Lovejeet Singh, accused also inflicted a blow with lathi, while using a thrustwise, on the chest of the complainant and the unidentified young person also inflicted a blow with a stick on the left arm of the complainant and caused injuries to the complainant. Deepak Kumar, who was with the complainant, raised hue and cry to save them. Kuldeep Singh also inflicted stick blows on the back of the Deepak Kumar and Sandeep Singh, petitioner held right pocket of complainant and tore it away and snatched Rs.48,000/- lying in the said pocket. Harpreet Singh @ Kharku snatched a small bag carried by the complainant, containing his documents and mobile phone and thereafter, all the assailants fled away from the spot. As per the complainant, the names of two unidentified persons were later on known as Gurlal Singh @ Lali and Kuldeep Singh @ Raju.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. As per the allegations levelled by the complainant, the petitioner had allegedly

inflicted a blow with *Kapa* on the left hand of the complainant. He further contends that it was also falsely alleged that the petitioner had torn the pocket of *Kurta* of the complainant and had snatched a sum of Rs. 48,000/- from the said pocket. Learned counsel next contends that the petitioner was arrested in the present case on 18.04.2023 and is in custody since then. He also contends that in the present case, the injured have already been discharged from the hospital and are hale and hearty. As per the learned counsel, co-accused Lovejeet Singh @ Raju has already been granted the concession of bail by this Court. To show his bonafide, learned counsel for the petitioner contends that the petitioner shall not enter the village of the complainant/injured witnesses till the conclusion of the prosecution evidence by the trial Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases of similar nature have already been registered against the present petitioner. Even, he is the main accused and does not deserve the concession of bail.

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

6. From the record, it is evident that the petitioner was arrested in the present case on 18.04.2023 and after completion of the investigation, the final report under Section 173 Cr.P.C. has already

been presented against the accused in the present case. Still further, the injured has already been discharged from the hospital and another co-accused Lovejeet Singh @ Raju has been granted the concession of bail by this Court vide order dated 17.10.2023 (Annexure P-2).

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner 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 to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall

share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) As per the undertaking of the petitioner, the petitioner shall not enter the village of the complainant/injured till their examination by the trial Court and the trial Court is directed to examine all the injured in the present case at the earliest.

09.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No