



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-20427-2024

Date of Decision : May 20, 2024

SAJAN

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. C.S.Rana, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Sandeep Arora, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 25.4.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.349 dated 19.12.2023, under Sections 307/323/324/148/149/506 of the IPC, registered at Police Station Rama Mandi, District Jalandhar.

2. The instant FIR was registered on a statement made by one Sainesh Sahota (complainant), with the allegations that, on 18.12.2013 at about 10 p.m., the petitioner and his co-accused inflicted injuries to him and his brother(s). The relevant extract of his statement, as narrated in paragraph No.2 of the order dated 11.03.2024, whereby, the learned Additional Sessions



CRM-M-20427-2024

-2-

Judge, Jalandhar, has declined anticipatory bail to the petitioner, is reproduced hereinafter:-

“...complainant Sinus Sahota son of Anand Sahota has got registered the case on the allegations that on 18.11.2023 at about 10:00 PM, they went to sleep after taking night meals alongwith their family members. Then Varun Sahota son of Ramesh Kumar has called his brother Shivam Sahota, who went outside. On hearing hue and cry outside, complainant alongwith his brother came outside, then Varun Sahota and his brother Karan Sahota were beating to brother of complainant namely Shivam Sahota. Complainant got rescued his brother and Shivam Sahota gave brick blow toward Varun Sahota in anger, but Varun Sahota raised lalkara that he should not be spared. Varun Sahota's brother Karan Sahota, Sajan Sahota and two other unknown boys started beating to complainant party. Varun Sahota again raised lalkara that today they should be finished. Then Karan Sahota gave khanda blow with an intention to commit murder of complainant towards him, which hit on right thumb as well as first finger of right hand, then another blow hit on nose of complainant and these persons also gave beatings to the complainant as well as his brother and then ran away from the spot alongwith their respective weapons....”

3. *The learned counsel for the petitioner submits that the main role/injuries have been attributed to petitioner's co-accused/brothers, whereas, the petitioner has been falsely implicated in the present FIR, merely owing to him being brother of the main accused. He further submits that although the present FIR is the result of concoction, yet the petitioner is ready to join the investigation and to cooperate with the investigating*



CRM-M-20427-2024

-3-

officer.

4. *At this stage, Mr. Sandeep Arora, Advocate, records his appearance on behalf of complainant, under a memorandum of appearance, instituted before this Court today, and, as prayed for, he is permitted to file a validly executed Vakalatnama in his favour by the complainant on or before the subsequent date of hearing.*

5. *The learned counsel for the complainant has opposed the grant of anticipatory bail to the petitioner, on the ground that, since petitioner's co-accused have already been declined the relief of anticipatory bail by this Court, through drawing an order on 20.01.2024, upon CRM-M-3071-2024, therefore, the petitioner, who is on a similar footing as his co-accused, also deserves being given an alike treatment.*

6. *This Court has heard the arguments made by the learned counsel for the parties and perused the record. What emanates from the record, is that, no specific injury has been attributed to the petitioner, rather specific injuries have been attributed to petitioner's co-accused, namely, Varun Sahota and Karan Sahota. Therefore, the petitioner cannot be taken to be sailing on the same boat as his co-accused, rather his case is distinguishable from his co-accused.*

7. *Notice of motion for 20.05.2024.*

8. *Mr. Raghav Garg, A.A.G, Punjab, accepts notice on behalf of respondent-State of Punjab.*

9. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of*



CRM-M-20427-2024

-4-

his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by SI Jagbir Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation. Learned counsel for the complainant has vociferously opposed the grant of pre-arrest bail to the petitioner.

3. In view of the specific stand taken by the learned State counsel and since the petitioner has already joined the investigation, the present petition is **allowed** and order dated 25.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

May 20, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No