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

CRM-M-23156-2024

Date of Decision:- 11.07.2024

Jaikar Singh Dhillon @ Jaikar Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

AMARJOT BHATTI, J.

1. The petitioner – Jaikar Singh Dhillon @ Jaikar Singh has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 0013 dated 13.03.2024 under Sections 307, 323, 341, 506, 148, 149 of IPC (later added Section 397 of IPC), registered at Police Station Kiratpur Sahib, District Rupnagar.

2. As per the facts of case, Sachin Singh Kundal complainant stated that he is Major in Indian Army of Madras Regimental Centre Balingten, Tamil Nadu. On 11.03.2024, he along with Nawaz Hussain, Panchok Nirmamral, Sabir Hussain and 13 other soldiers of different ranks were coming from Palchara (Manali) to Chandi Mandir in Tempo Travel No. HR-37-F-1234 driven by Arun Kumar. At about 09:15 pm, they stopped at Alpine Dhaba, Bharatgarh for dinner. They asked the waiter to bring swap machine or scan code for making payment of bill but the owner of Dhaba

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insisted for cash payment. The complainant was not having that much of cash amount and ultimately the owner of Dhaba abused him and told other persons on the counter to give them scan code for payment. They made entire payment and showed the message to him. The owner of Dhaba insisted that he had not received confirmation, therefore, they could not leave the premises. Even after confirmation message on audio device, the owner of Dhaba insisted to make payment again to which they refused. While leaving the Dhaba, the owner of Dhaba called his employees who came there armed with lathis, sticks, knives in their hands and attacked on them. The complainant Sachin Singh Kundal received several injuries whereas other soldiers also received injuries. During this fight, his gold chain was snatched, whereas, watch and mobile phone of soldier Harish Kumar and a gold chain from his neck were also snatched. Initially they were taken to Civil Hospital, Rupnagar and thereafter, they were taken to Command Hospital, Chandi Mandir for treatment.

3. Learned counsel for the petitioner argued that he is falsely implicated in this case. He was arrested on 14.03.2024 and since then he is behind the bars. Trial of this case may take long time. The complainant or other injured did not suffer any serious injury. No offence under Section 307 of IPC is made out. Even the petitioner had suffered injury in the occurrence. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Status report has already been filed. Learned counsel representing the State pointed out that allegations are specific and serious in nature. The complainant had suffered as many as 10 injuries. Challan in

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this case has been presented on 06.05.2024. It is further mentioned that present petitioner is not involved in any other case.

5. I have considered the arguments and have gone through the record carefully. The dispute took place between the complainant and other soldiers on one hand and the present petitioner who is allegedly owner of Dhaba along with others on account of payment of bill. MLR of Sachin Singh Kundal and Panchok Nirmamral are on the record. Thereafter, both of them were taken to Command Hospital for further treatment. The complainant and other witnesses are Army personnels. It is not possible for the present petitioner to influence them. Challan is already presented on 06.05.2024. The petitioner is behind the bars since 14.03.2024. No purpose would be served by keeping the petitioner behind the bars. Therefore, without expressing my mind on the merits of the case, regular bail application filed by the petitioner – Jaikar Singh Dhillon @ Jaikar Singh is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. The petition is accordingly, accepted.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

11.07.2024

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No