



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M No.24153 of 2024
Date of Decision: 29.07.2024

Ajay Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rana Harjasdeep Singh, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
116	Moti Nagar, District Police Commissionerate Ludhiana	307, 323, 379B (2), 427, 148, 149 and 506 of IPC (411 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Inderjit Singh on 26.06.2023 alleging therein that he was Caretaker of GRD Fuel Station. On 25.06.2023 at about 9 PM, he had gone to a dhaba for having his

2024.PHHC:095937



supper and when he reached back at the Fuel Station, he saw an altercation taking place between the employees of the Fuel Station and 8-9 youths. Those youths were hurling filthy abuses and were extending beatings to employee Sanjeev Kumar. Within his sight, they also threw brickbats thereby damaging the articles kept in the Fuel Station and struck blow with an iron rod on the right arm and caused serious injuries on the right leg and head of Sanjeev. They also dismantled the nozzle, auto motion machine and chairs kept in the Fuel Station and destroyed the LED of cameras installed therein. While fleeing away, they snatched an amount of Rs.10,000/- from the injured Sanjeev Kumar and while extending threat to kill, they fled away. The complainant identified two of them as Sonu Takkar @ Sunny and Ajay i.e. the petitioner. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 28.06.2023. The co-accused were also arrested. Investigation has since been completed. The petitioner had moved an application for grant of regular bail which had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 30.04.2024

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Only minor injuries had been sustained by the victim Sanjeev Kumar and no case for commission of offence punishable under Section 307 of IPC was made out. He is in custody since 28.06.2023. The co-accused Sonu Takkar @ Sunny @ Sonu Kumar whose case is on similar footing has since been extended benefit of bail. The trial is likely to take time. No useful purpose would be served by keeping the

2024.PHHC:095937



petitioner in custody any more. Therefore, it is urged that the petitioner deserves to be given concession of bail.

4. Per contra, learned State counsel has argued that there are specific allegations against the petitioner that he caused injuries on the person of the victim Sanjeev Kumar with an iron rod and he along with the other accused had snatched an amount of Rs.10,000/- from the victim and also damaged the articles kept in the Fuel Station. It is, therefore, argued that the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have caused injuries on the person of victim Sanjeev Kumar and is further stated to have snatched an amount of Rs.10,000/- from him and damaged the property of the Fuel Station. Copy of MLR of the victim has been annexed as Annexure P-2 as per which, nine injuries had been sustained by the victim. However, all these injuries have admittedly been opined to be simple in nature. The custodial interrogation of the petitioner is no more required. The trial is likely to take time. His further detention would not serve any useful purpose. The co-accused Sonu Takkar @ Sunny @ Sonu Kumar whose case is on similar footing has since been extended benefit of bail in CRM-M-7152 of 2024 decided on 16.02.2024. Keeping in view the period of incarceration of the petitioner, on the ground of parity and further in view of the well settled

2024.PHHC:095937



proposition of law that bail is the rule and jail is an exception, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.07.2024
manju

(MANISHA BATRA)
JUDGE

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