



220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26292-2024

Date of Decision: 24.07.2024

Sanjay Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Gaganvir Singh Gill, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

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 regular bail to him in case FIR No.0062 dated 16.04.2024 registered under Sections 452, 323, 324, 325, 506 and 34 of IPC, at Police Station Anaj Mandi, District Patiala.

2. The FIR in the present case was registered on the basis of the statement made by Prem Chand. As per him, at about 1.30 p.m. on 10.04.2024, he was present at his house with his wife Pushpa Devi. As per the complainant, the petitioner, who used to come to his house and was running a welding shop, locked the house of the complainant from outside and came from the roof, after climbing stairs. He was armed with sword and rod in his both hands. He gave a sword blow on the left hand of the complainant. When Pushpa Devi, his wife came forward to save him, the petitioner allegedly caused injuries on both her



hands with sword. He also caused injuries to both of them with iron rod. The complainant and his wife were shifted to Rajindra Hospital, Patiala. Even the petitioner had allegedly broken the CCTV cameras, which were installed inside the house.

3. Learned counsel for the petitioner contends that the allegations levelled by the complainant in the present case are highly exaggerated and unbelievable. In fact, the complainant had taken material from the shop of the petitioner and when the petitioner asked him to pay the amount, he got the false case registered against the petitioner. He further contends that even the complainant is a habitual offender and is involved in four FIRs. Learned counsel further contends that the petitioner is behind bars since 18.04.2024 and no other criminal case has been registered against him. As per learned counsel, the complainant and his wife have recovered completely and are hale and hearty. The final report under Section 173 Cr.P.C. has already been presented before the Court and the trial is not even formally commenced before the trial Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the principal accused and serious allegations have been levelled against him.

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

6. The petitioner is stated to be in custody for the last more than 03 months. After presentation of challan, even charge has not been framed against



the petitioner so far. Thus, no purpose will be served by keeping the petitioner behind bars. Moreover, the petitioner is a first offender and was never involved in any other criminal activity.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

24.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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