

58. IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.29270 of 2024
Reserved on: 16.07.2024
Pronounced on: 30.07.2024

Sonu Kamboj @ Monu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karanjeet Singh, Advocate for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Priyanshu Kamra, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
41	23.04.2024	Khuian Sarwar, District Fazilka	324, 323, 379-B, 506, 427, 34, 326 IPC, 1860

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973.
2. In paragraph 17 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	51	10.05.2022	Under Sections 353, 186, 506 IPC	Khuian Sarwar, District Fazilka

3. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
4. Facts of the case are taken from the status report dated 16.07.2024 which reads as follows:

“(i). Initially, the FIR in question was registered u/s 324,323,379- B,506,427,34 IPC against two accused namely (1) Sonu Kamboj @ Monu son of Bhag Chand (present petitioner) (2) Mohan Lal son of Subhash Chander and one unknown



person on the statement of Smile Kamboj son of Mahinder Pal, on the allegations that the accused snatched mobile phone and Rs. 10000/- cash from the complainant and they damaged the mobile phone of the complainant and they also threatened to kill the complainant. It was stated by the complainant that on 22.04.2024 at about 10.30AM, the complainant went to his land/fields for taking a round. The accused persons came there on Tractor Swaraj 744 blue colour attached blue colour trolley. The accused Sonu Kamboj was driving the tractor. The accused Sonu Kamboj tried to enter the tractor trolley in the fields of the complainant and when the complainant tried to stop him, then accused Sonu Kamboj caused two injuries to the complainant with toki, the accused Mohan Lal caused two injuries to the complainant with 'dang'. Third accused person gave leg blow at the chest of the complainant. The accused snatched Rs.10000/- cash and mobile phone from the complainant and the accused also damaged the mobile phone and thrown the same at the spot. Krishan Kumar son of Chandi Ram (cousin of the complainant) came there and on seeing him, the accused persons ran away from the spot with their respective weapons. At the time of leaving, the accused persons threatened to kill the complainant

(ii). As per MILR No.SC/20/24/ABH dated 22.04.2024 (Civil Hospital, Abohar) of the complainant-injured Smile Kamboj. there are five injuries on his body. The injury No.1 was declared as grievous by the Doctor, so the offence u/s 326 IPC was added in the FIR in question vide DDR No.20 dated 25.04.2024.

5. The State opposes bail.

Reasoning

6. A perusal of the allegations in the FIR on the face of it do not inspire confidence without corroboration, this coupled with the fact that as per custody certificate dated 15.07.2024, the petitioner is in custody for about 02 months and 16 days.

7. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing sureties to the satisfaction of any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned officer/court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. This order shall come into force from the time it is uploaded on the official webpage of this Court.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.07. 2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.