



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.30236 of 2024

Sanjeev Kumar @ Chota
... Petitioner
Versus
State of Haryana
... Respondent

2. CRM-M No.30318 of 2024

Harman
... Petitioner
Versus
State of Haryana
... Respondent

Date of decision: 12th August, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Vir S. Behl, Advocate for the petitioners.
Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.
Mr. C.S. Bagri, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.38 dated 15.02.2024 under Sections 148, 149, 323, 452, 506 of the IPC (Section 308 IPC added later on) registered at Police Station Chappar, District Yamuna Nagar. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.



2. Learned counsel for the petitioners contends that they have been in custody since 25.02.2024 in a case of false implication. He submits that a totally false version has been brought forth in the FIR in question that the petitioners armed with lethal weapons including firearms and kirpans (swords) had attacked the complainant party as a result of which they sustained multiple injuries on their person.

3. Learned counsel further submits that had the petitioners used any of those lethal weapons, the complainant party would not have escaped with simple injuries, which is evident from the medical report of injured/complainant Kamal and Mandeep Singh, wherein the doctor has specifically opined that the injuries sustained by both the injured were simple in nature. Learned counsel asserts that since investigation in the case at hand is complete, further incarceration of the petitioners would not serve any useful purpose as charges have not yet been framed, coupled with the fact that 9 prosecution witnesses have been cited, as a result of which trial would take considerable time to conclude.

4. It has also been brought to the notice of this Court that identically placed co-accused Rahul Narwal has since been extended the concession of bail by a Coordinate Bench of this Court vide order dated 06.06.2024 (Annexure P-2). A prayer has, therefore, been made for extending the concession of bail to the petitioner.



5. Per contra, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that there is documentary evidence in the form of CCTV footage, wherein both the petitioners are clearly visible inflicting stick blows on the person of the complainant party. On a pointed query put to the learned State counsel, he has not disputed that as per the medical opinion, all the injuries sustained by the complainant party were opined to be simple in nature. On further query, learned State counsel, on instructions, has not disputed that no firearm was used in the occurrence in question though, there were allegations that the accused party was armed with firearms and other lethal weapons like kirpans and iron rods. It has, however, been submitted that there are two criminal cases pending against petitioner Sanjeev Kumar including one punishable under Section 323 IPC and the other one is for offence under the Excise Act.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioners have now been in custody for the last almost six months, having been arrested on 25.02.2024. Investigation in the present case is complete as challan stands presented. However, the trial is unlikely to conclude in the near future as charges have not yet been framed. In the facts and circumstances, as enumerated hereinabove, this



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Court, thus, deems it fit to extend the concession of bail to the petitioners. Both the petitions, as such, are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioners misuse the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 12, 2024
rps

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