

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

CRM-M-31349-2024
Reserved on: 16.10.2024
Pronounced on: 24.10.2024

Sunny Kumar @ Sandy ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Kanojia, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
2	18.01.2023	Daba, District Ludhiana	307/323/324/506/148/149 IPC (Section 326 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. Per paragraph 10 of the bail application and per paragraph 21 of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated/year	Offenses	Police Station
1	124	2024	379/411/473 IPC	Daba, District Ludhiana
2	304	2021	394/148/149/120-B IPC	-
3	217	23.07.2023	21/21-B/29/61/85 of the NDPS Act	STF Ph-IV, Mohali

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“...on 18.01.2024 one Ruka bearing CR No. 230106928 was received from Government Hospital Sector 32, Chandigarh at Police Station Daba and ASI Jatinder Singh went to the Hospital where Manish Kumar son of Rakesh Kumar Resident of Street No. 01, Adarsh Colony, Daba Lohara Road Ludhiana suffered statement with the police to the following effect:-

“...stated that I am a resident of the above-said address and working as sticker making, that tomorrow on 17-01- 2023, I was standing in a street near my house with my friends Ravi and Ajay Kumar etc, in the meantime Handa, Sandy, Jatt, Mannu and 5/6 other unknown persons came near our house on a motorcycle and started drinking alcohol. We stopped them from doing so and The said person left from there, this incidence is around 6/7 o'clock in the evening, then we went to the empty plot around 8- 30 AM, where we often stop there, being idle from our work, and then the said person came on their the spot, who were holding sickle and sticks in their hands, as soon as they came, Jat hit me with the sickle in his hand with the intention of killing me and then once Handa hit my head with the sickle in his hand, Because of which I fell on the ground and raised hue and cry of "Marta -Marta", When I was fallen down, Sandy and other unknown persons beat me. Seeing the gathering of people, these persons left the spot with their respective weapons on their own motorcycles. They ran away threatening to kill me. I was unconscious, the people had not come together, these people would have killed me. The grudge is that I had stopped these people from drinking and creating disturbance in the neighborhood. My brother took me to the Civil Hospital, ludhiana for treatment from where the doctor referred me to Sector-32 (GMCH) Hospital, Chandigarh. When I regained consciousness, I was treated in Sector-32 (GMCH) Hospital, Chandigarh Ward No. 41. That i also want to tell you that I have come to know that these person have also cause injuries to my friend Ravi, Ajay Kumar etc... I have recorded my statement to you, read/heard the same is correct.”

4. 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.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“ROLE OF THE PETITIONER

(i)Petitioner was armed with iron dattar and he alongwith co-accused Deepak, Hiratk @ Jatt, Manpreet Singh @ Manu Bhatti, Sohan, Hiritik and Aslam @ Honda, gave beatings to the complainant Manish Kumar.

(ii) Petitioner gave dattar blow on the eye of Ravi Kumar.

EVIDENCE AGAINST THE PETITIONER

(i) As per confession dated 30.09.2023 petitioner has got recovered one Iron dattar from his residence, flat No. 2005/ D, Daba, Ludhiana.”

7. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The petitioner behaved and acted like a goon to spread terror in association with his gang members. The impact of crime would not justify bail. Any further discussions will likely prejudice the

petitioner; this court refrains from doing so.

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

9. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

24.10.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.