



CRM-M-31417-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.104

Case No. : CRM-M-31417-2024 (O&M)

Date of Decision : July 17, 2024

Sandeep Kumar

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

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

Mr. Rajinder Singh, DAG, Punjab.

Mr. Nishant Sehgal, Advocate
for the complainant.

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GURBIR SINGH, J. :

1. CRM-27925-2024 : This is an application for placing on record copy of order dated 03.07.2024, passed by this Court in CRM-M-28311-2024 titled Manraj Singh vs. State of Punjab as Annexure P-5.

1.1 For the reasons mentioned in the application, the same is allowed and copy of judgment dated 03.07.2024 passed by this Court is ordered to be taken on record as Annexure P-5.

1.2 The application stands disposed of.

2. CRM-27929-2024 : This is an application for adding offences under Sections 386, 201 IPC of 1860 in the head-note and the prayer clause of the main petition.

2.1 Learned counsel for the applicant-petitioner submits that from the

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case status, as per details shown on the e-court website, the applicant-petitioner came to know that in the final report submitted before the concerned Court, the offences under Sections 386 & 201 IPC have also been added in the present FIR bearing No.50, dated 03.03.2024 (Annexure P-1), under Sections 365, 323, 379-B, 307, 342, 506, 120-B IPC, registered at Police Station Kharar, District SAS Nagar (Mohali).

2.2 For the reasons mentioned in the application, the same is allowed and Sections 386 & 201 IPC are ordered to be added in the head-note and prayer clause of the main petition. Accordingly, the aforesaid FIR be now read to have been registered under Sections 386 & 201 IPC as well, in addition to the Sections mentioned earlier in it.

2.3 Registry to do the needful.

2.4 The application stands disposed of.

3. **Main Case** : The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.50 dated 03.03.2024 (Annexure P-1), under Sections 365, 323, 379-B, 307, 342, 506, 120-B IPC, 1860 (Sections 386 & 201 IPC to be added now), registered at Police Station Kharar, District SAS Nagar (Mohali).

4. As per prosecution case, the present FIR was registered at the instance of Sahil Kumar, alleging therein that on 03.03.2024, at about 3:00 PM, when he was present in his house, the accused persons namely Manraj Singh, Sandeep Kumar (petitioner) and Jora Singh came in an i20 car and asked him to come outside to have a talk with them. On refusal by the complainant, they forcibly took him in their car and gave beatings to him while stating that on his information given to the police, their friend

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Gurjinder Singh was arrested and they would take revenge from him. The complainant tried to convince them that he had not given any information to the police regarding their friend Gurjinder Singh, but they kept on giving beatings to the complainant. They also snatched Rs.9,000/- from the complainant and demanded further a sum of Rs.50,000/- to support Gurjinder Singh. In defence, the complainant also gave a fist blow to Manraj Singh, as a result of which, he got furious and on asking of Jora Singh, Manraj Singh gave blow of *datt* on the neck of complainant with clear intention to kill him, but the complainant immediately stepped backward to save himself and the *datt* hit on his forehead above the left eye. Then the complainant somehow managed to escape from their hands and ran away towards the village.

5. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The complainant is known to the accused persons and he also did not raise any noise when he was taken away from his house. In fact, no such occurrence took place, as alleged by the complainant. The injury, as per FIR, is simple in nature. Use of sharp-edged weapon towards the neck of the complainant and his stepping back, or, the said weapon hitting above his left-eye/forehead is concocted one and unbelievable. No specific allegation of kidnapping is there in the FIR. Rather, the allegations leveled are general in nature.

6. Learned counsel for the petitioner has further apprised this Court that with the intervention of respectable persons of the area, the matter has been amicably settled between the parties and as per the compromise dated

07.05.2024 (Annexure P-2), the complainant in the present FIR does not



want any action against the petitioner and his co-accused. The complainant has no objection if the petitioner is released on bail and the FIR in question is quashed. The petitioner is in custody since 04.03.2024. His co-accused Manraj Singh has been granted concession of regular bail by this Court vide order dated 03.07.2024 passed in **CRM-M-28311-2024**, placed on the file as Annexure P-5. Another co-accused Jora Singh had approached this Court by way of **CRM-M-21443 of 2024** for grant of anticipatory bail and vide order dated 20.05.2024 (Annexure P-3), he has also been granted interim anticipatory bail by this Court.

7. On the other hand, learned State counsel has submitted that the allegations levelled against the petitioner are serious in nature as he was a member of a group, which attacked the complainant mercilessly, just on apprehension of naming their friend before the police and in order to take revenge from him. The beatings given by this group could have proved fatal to the complainant. So, the petitioner does not deserve the concession of regular bail.

8. Learned counsel appearing on behalf of complainant has admitted the factum of aforesaid compromise between the parties and has very fairly submitted that the complainant has no objection, if the petitioner is released on bail.

9. I have heard the submissions of learned counsel for the parties and have thoroughly perused the case file.

10. Considering the peculiar facts that the petitioner is in custody since 04.03.2024; matter has been compromised between the parties; the co-accused have already been granted anticipatory bail and regular bail; this

Court is of the considered opinion that no useful purpose would be served by keeping the petitioner behind bars anymore.

11. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds, subject to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

12. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded herein-above are only for the purpose of deciding the present bail petition.

13. Pending applications, if any, shall stand disposed of along with this judgment.

July 17, 2024

monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.