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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36678-2024
Date of Decision:- 26.09.2024

Manpreet Singh and AnotherPetitioners

Vs.

State of PunjabRespondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aman Kumar, Advocate for
Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioners Manpreet Singh and Tanay Kumar have filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 0012 dated 12.03.2024 under Sections 307, 323, 341, 506, 148, 149 of IPC (later on added Sections 325 and 397 of IPC), registered at Police Station Kiratpur Sahib, District Rupnagar.
2. As per the facts of case, Sachin Singh Kundal complainant stated that he is Major in Indian Army of Madras Regimental Centre Balington, Tamil Nadu. On 11.03.2024, he along with Nawaz Hussain, Panchok Nirmamral, Sabir Hussain and 13 other soldiers of different ranks were coming from Palchara (Manali) to Chandi Mandir in Tempo Travel No. HR-37-F-1234 driven by Arun Kumar. At about 09:15 pm, they stopped at Alpine Dhaba, Bharatgarh for dinner. They asked the waiter to bring swap

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machine or scan code for making payment of bill but the owner of Dhaba insisted for cash payment. The complainant was not having that much of cash amount and ultimately the owner of Dhaba abused him and told other persons on the counter to give them scan code for payment. They made entire payment and showed message to him. Owner of Dhaba insisted that he had not received confirmation, therefore, they could not leave the premises. Even after confirmation message on audio device, owner of Dhaba insisted to make payment again to which they refused. While leaving the Dhaba, owner of Dhaba called his employees who came there armed with lathis, sticks, knives in their hands and attacked on them. The complainant Sachin Singh Kundal received several injuries, whereas, other soldiers also received injuries. During this fight, his gold chain was snatched, whereas, watch and mobile phone of soldier Harish Kumar and a gold chain from his neck were also snatched. Initially they were taken to Civil Hospital, Rupnagar and thereafter, they were taken to Command Hospital, Chandi Mandir for treatment.

3. Learned counsel for petitioners argued that allegations levelled against them are false. Factual position is clear from CCTV footage, which clearly indicates that complainant and his 16 companions were aggressors. They were not in Army uniform at that time. Even otherwise, complainant and his companions were healthy trained soldiers, whereas, present petitioners are poor waiters. Petitioners and other waiters were also inflicted injuries. They are in custody since 12.03.2024. They are sole breadwinners of their families. It is prayed that they will abide by the terms



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of bail order. Therefore, their regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State, taking the stand that present petitioners were joined in investigation and from their possession as per disclosure statement *bamboo* sticks were recovered. There are specific serious allegations levelled by complainant. Sachin Singh Kundal complainant had received several injuries. He was medically examined alongwith others. Challan has been presented against Rajneesh Kumar and others on 06.05.2024 and charge-sheet is yet to be framed. It is pointed out that release of present petitioners on bail will effect fair deposition of prosecution witnesses.

5. I have considered the arguments and have gone through the record carefully. It is matter of record that one of co-accused Jaikar Singh Dhillon alias Jaikar Singh was granted regular bail by this Court in CRM-M-23156-2024, vide order dated 11.07.2024. As referred above, present petitioners have already joined the investigation and after completion of investigation, even challan has been presented. Dispute took place between complainant alongwith other soldiers on one hand and *Dhaba* owner and his workers on other hand. Charge-sheet is yet to be framed and trial in this case is going to take some time. Present petitioners are behind the bars since 12.03.2024. They cannot be kept behind the bars for indefinite time period. Therefore, without expressing my mind on the merits, regular bail petition filed by petitioners – Manpreet Singh and Tanay Kumar is allowed. They are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.



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- 6. The petition is accordingly, accepted.
- 7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

26.09.2024
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(AMARJOT BHATTI)
JUDGE

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