

CRM-M-56973 of 2023(O&M)

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2024:PHHC:007599

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-56973 of 2023(O&M)

Date of decision:- 18.01.2024

SARVOTAM SINGH @ LUCKY SANDHU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.P.S. Ghuman Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG. Punjab.

SANJIV BERRY, J. (ORAL)

CRM-48437-2023

1. The instant petition under Section 482 Cr.P.C. has been filed by the petitioner for placing on record amended memo of parties.
2. Heard.
3. Keeping in view the averments made in the application, the same is allowed and amended memo of parties annexed with the application is ordered to be taken on record.
4. Registry to tag the same at appropriate place.
5. CRM stands disposed of.

MAIN CASE

1. The instant petition has been preferred by the petitioner under

Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0235	16.09.2023	323, 341, 365, 379 B, 506, 148, 149 and 511 IPC	Sahnewal District Police Commissionerate Ludhiana

2. Arguments heard.
3.

It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner was provided protection by the police on the basis of order dated 11.09.2023 (Annexure P-3) passed by this Court and on the fateful day his security personnel noticed one vehicle, wherein knives were found, parked outside his Dhaba and the matter was reported to the police, and the police apprehended the persons and took them to the police station but on the next day they were let off and the instant case has been falsely registered against the petitioner and his brother Amrinder Singh Sandhu who had also preferred petition for anticipatory bail and supplied photographs captured in CCTV coverage regarding his presence at the relevant time in Gurudwara Sahib, Tarn Taran and has been granted concession of anticipatory bail by this Court vide order dated 03.11.2023 (Annexure P-11). He submits that the petitioner is in custody since 16.09.2023 and challan has already been presented in Court and as such prays for grant of concession of bail to the petitioner.

4. *Per contra* learned State counsel submits that the petitioner has been named in the FIR and is alleged to have inflicted injuries on the complainant party. He submits that the challan has already been presented

against the petitioner and the case is committed for trial.

5. After considering the rival contentions and perusing the record, the allegations against the petitioner and his brother are that they had caused injuries to the complainant party and he along with other accomplice had forcibly took the complainant inside Dhaba and snatched his mobile phone. Whereas the version of the petitioner is that the security personnel deputed with him on the basis of petition filed in this Court in CRWP No. 8863 of 2023 vide order dated 11.09.2023 (Annexure P-3), on noticing Bolero car without number plate outside Dhaba in which certain knives were noticed. The said car belongs to the complainant and when he was sitting in the car the security personnel of the petitioner had stopped him and finding him suspicious the police party was called. It is the case that there is political rivalry due to which the police has lodged the instant FIR. The injuries sustained are simple in nature. Challan has already been presented in Court and it could only be after the conclusion of trial that the criminal liability, if any, of the petitioner could be ascertained. The disposal of trail will take sufficient long time and the petitioner being in custody since 16.09.2023, therefore, no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave

the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No