



CRM-M-55736-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-55736-2024
Date of decision: 20th November, 2024

Sandeep Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Sharma, Advocate with
Mr. Raja Sharma, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 239 dated 11.08.2024 registered under Sections 115, 118(1), 118(2), 3(5) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 105 of BNS added later on), at Police Station Quilla, District Panipat (Haryana).

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the on 11.08.2024, on receipt of an information from Civil Hospital, Panipat regarding admission of one Sumit Malik in the hospital due to injuries sustained in a scuffle and about his being referred to PGIMS, Rohtak, a police party rushed there, where the complainant Rajesh,



mother of the injured Sumit Malik, submitted a written complaint alleging therein that her son Sumit Malik and accused Kuldeep @ Sonu were working as security guards in HDFC Bank, Barana Branch. On 10.08.2024, a verbal altercation had been taken place between them on the question of performance of duty in the bank. On the same night, at about 10:45 PM, while the complainant along with her sons was sleeping in her house, accused Kuldeep @ Sonu called on the cellphone of the Sumit asking him to come outside the house. Sumit refused to go, but the accused- Kuldeep knocked at the main door thereby compelling him to go towards the main door. The complainant followed him. Within her sight, the accused Sachin @ Lalli caught hold of Sumit, whereas, Kuldeep started striking blows with a sharp edged weapon. The present petitioner-Sandeep Sharma also struck blows with a *lathi*. The complainant raised alarm and called her elder son Amit. Then accused Pardeep struck blows with knife on her hands. Alarm raised by them, attracted the neighbourers who rushed towards the spot and then the petitioner and co-accused fled away while extending threats to kill them. She also alleged that the assailants had amputated thumb of Sumit and had caused serious injuries to her son as well as herself. On the basis of her complaint, initially a case under Sections 115(2), 118(1)(2), 351(3) and 3(5) of BNS was registered. Investigation proceedings were initiated. The petitioner was arrested on 12.08.2024. He suffered disclosure statement admitting his involvement in the crime and got recovered the weapon of offence. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has



been falsely implicated in this case. He is in custody since 12.08.2024. The injuries which have been opined to be grievous in nature and which are caused by sharp edged weapon on the person of the victim-Sumit Malik, have not been attributed to him. Rather no specific overt act has been attributed to him. There was delay of eight hours in lodging of the FIR which has not been satisfactorily explained. Investigation has since been completed. His custodial interrogation is not required. Offence under Section 105 of IPC had been deleted at the time of presentation of challan. Even charges under that Section have not been framed against the petitioner and co-accused. The subject offences are triable by the Magistrate. Therefore, it is argued that he deserves to be released on bail.

4. While admitting the fact that the offence under Section 105 of IPC has been deleted and even charge under that Section has not been framed against the petitioner and co-accused, it is argued by learned State counsel that the allegations against the petitioner are still serious in nature, as he along with the co-accused opened an attack upon the complainant and her family members and caused simple as well as grievous injuries to them. The thumb of injured Sumit Malik had been amputated as he had sustained injury with sharp edge weapon at the hands of the petitioner and co-accused. It is submitted that keeping in view the gravity of allegations, the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.



6. The petitioner and the co-accused are alleged to have opened an assault upon the sons of the complainant and herself on the night of 10.08.2024 and are further alleged to have caused injuries to them. The injury which was declared to be grievous in nature and was found on the person of injured Sumit Malik has not been attributed to the petitioner but to co-accused Kuldeep @ Sonu. The petitioner is in custody since 12.08.2024. Investigation stands completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the facts and circumstances as enumerated above, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th November, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |