



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

232

**CRM-M No.32421 of 2025
Date of decision : 4.7.2025**

Raj Krishan and another**.....Petitioners****Versus****State of Punjab and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Munish Puri, Advocate, for the petitioners

Mr. Jaypreet Singh, DAG, Punjab

Mr. Gaurav Pathania, Advocate, for respondents no.2 and 3

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioners in case FIR No.63 dated 22.5.2024 under Sections 323, 324, 34 and 326 of the IPC added later on, registered at Police Station Sujanpur, District Pathankot.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Sham Lal son of Gyan Chand resident of Kashmiri Mohalla Sujanpur, Police Station Sujanpur aged about 52 years mobile no. 7508409912. Stated that I am the resident of the above address and run a tea stall at Bridge Number 5. I have three shops at Bridge No. 5, Sujanpur and my brother Raj Krishan has 2 shops there, I have given my two shops on rent. My nephew Vinay Kumar and Abhishek Kumar sons of Raj



Krishan and my brother Raj Krishan son of Gyan Chand resident of Kahsmiri Mohalla Sujanpur at present on rent at Thandi Khui, Sujanpur, are trying to take forcible possession of my shops. Its case is pending in the Court, in which case stay is granted in my favour by the Court of Sh. Manav, C.J.M, Pathankot. On dated 16.05.2024 I and my wife Radha Rani were cleaning our tea shop, then Vinay Kumar with a sword, Abhishek Kumar with a iron rod, Raj Krishan with a iron rod and Neelam wife of Raj Krishan empty handed alongwith 4/5 unknown persons entered inside my shop. Aforementioned Neelam raised lalkara that these shops belongs to us and they should be taught a lesson for entering there shops. In the meanwhile aforementioned Vinay Kumar gave a direct blow of sword wielded in his hand on my head, in order to defend I brought forward my left arm, which struck on my left arm. Then my wife Radhi Rani came forward to save me then Abhishek Kumar attack my wife with iron rod wielded in his hand which struck on her upper lip, because of which her upper teeth broke. Then Raj Krishan attacked my wife with iron rod which hit her left arm. Unknown persons also manhandled us. We raised alarm Maar Ditta Maar Ditta and people started gathering and the above named assailants ran away from the spot alongwith their weapons. My son Manni after getting to know, reached at the spot, after arranging vehicle, took us to Civil Hospital, where the doctor issued our MLR and giving us first aid and relieved us. Because I was suffering from lot of pain, next date I went to Civil Hospital Pathankot for check up, then doctor got me admitted. On dated 20.05.2024 I got discharged from the hospital. Today I was going to the police station for initiating proceedings, you met me, MLRs are given to you. Statement have been recorded. Appropriate legal action be taken against above named persons. I am complainant Sd/- aforementioned Sham Lal singed in English, Attested ASI Munish Kumar PS Sujanpur, dated 22.05.2024.'

3. Learned counsel for the petitioners have submitted that the petitioners are in custody since 24.5.2025. Learned counsel has further argued that petitioner no.1 and the FIR-complainant are real brothers and there was some misunderstanding between them on account of which an inadvertent scuffle took place. Learned counsel for the petitioners has



further argued that the petitioners and the FIR-complainant have now settled the matter, which factum is reflected from the statement made by the FIR-complainant-Sham Lal before the Sessions Court on 2.6.2025 (Copy whereof has been appended as Annexure P-9). Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioners do not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificates dated 3.7.2025 in Court, which are taken on record.

Learned counsel for the complainant has admitted the factum of compromise and has no objection in case the petitioners are granted the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioners were arrested on 24.5.2025. The completion of the investigation will indubitably take its own time. The rival contention of learned counsel for the parties as also the weightage required to be attached to the factum of statement having arrived between the complainant shall gone into during the course of investigation/trial (If the need so arises). This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with



the remaining prosecution evidence. As per custody certificates dated 3.7.2025 filed by learned State counsel in Court today, the petitioners have already suffered incarceration for a period of one month and six days each & are not shown to be involved in any other case.

Suffice to say, further detention of the petitioners as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:-

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport, if any, with the trial Court.
- (vi) The petitioners shall give their cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone numbers without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.



- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

4.7.2025
Ashwani

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