



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

106

CRM-M-49532-2024

Date of decision: 8th January, 2025

Rajneesh Kumar @ Rajnish Kumar and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harsh Chopra, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 12 dated 12.03.2024 registered under Sections 307, 323, 341, 506, 148 and 149 of IPC (Sections 325 and 397 of IPC added later on) at Police Station Kiratpur Sahib, District Rupnagar.

2. As per the allegations, on 11.03.2024, complainant Sachin Kumar Kundal, who was posted in Indian Army, was going from Manali to Chandi Mandir along with some armed personnel and soldiers of different ranks. While on the way, they stopped at Alpine Dhaba for having dinner. After having the same, the bill of Rs. 9500/- had been received by them and when they asked the waiter to bring swap machine or scan code for making



payment of bill, the owner of the dhaba insisted for cash payment. As they were not having enough cash, they told the owner to receive online payment but he was offended. When after making payment of the bill online, confirmation message on audio devise had been received, the owner still insisted for making payment again by projecting that amount had not been received. The complainant and his companions had refused to make double payment and while they were leaving the dhaba, the owner thereof namely Jaikar Singh made an extortion and called his employees, who armed with weapons opened an attack upon complainant and other soldiers accompanying him. They caused injuries to them. Even gold chain and mobile phones of the army personnel had been snatched by them. The injured were taken to civil Hospital, Rupnagar and subsequently to Command Hospital, Chandimandir for treatment. After registration of FIR, investigation proceedings were initiated. The petitioners who are employees in the Dhaba were arrested on 12.03.2024. Investigation proceedings stand concluded now.

3. The present petition has been filed by the petitioners on the ground and it is argued by their counsel that they have been falsely implicated in this case. They are in custody since 12.03.2024. Even the owner of the dhaba had sustained injuries in the occurrence which was initiated by members of the complainant party who were the aggressors. No injury has been sustained by the complainant or any other member of the complainant party. The ingredients for commission of offence under Section 307 of IPC are not attracted. The investigation stands completed. Trial is likely to take time. The co-accused Jakir Singh, Manpreet and Tanay Kumar,



whose case is on similar footing have since been extended benefit of bail. Their further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Senior Deputy Advocate General, Punjab that there are serious allegations against the petitioner. Several injuries had been sustained by the complainant at the hands of the petitioner and the co-accused which contained grievous injuries. There are chances of petitioner's absconding or intimidating the witness, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and are further alleged to have wrongfully confined the members of complainant party and have opened an assault upon them thereby causing simple as well as grievous injuries to two of them. As per the further allegations, they along with the co-accused had snatched/looted belongings of one of the soldiers who was member of the complainant party. They are in custody since 12.03.2024. Trial is likely to take time. There is no basis for the contention that they would intimidate the witnesses or might abscond. No useful purpose would be served by keeping them behind the bars anymore. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence,



the same is allowed and the petitioners are ordered to be released on bail subject to their furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

8th January, 2025
Parveen Sharma

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