



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

1)

CRM-M-54-2025
Decided on : 19.02.2025

Sonu

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

2)

CRM-M-983-2025

Sanju Ram

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Nisha Rana, Advocate,
for the petitioners.
(in CRM-M-54-2025 & CRM-M-983-2025).

Mr. Amandeep Singh, DAG, Punjab.

Mr. Dhanjai Rana, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-54-2025 & CRM-M-983-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-54-2025.

2. The present petitions have been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner(s) – Sonu and Sanju Ram, who have been booked for having committed the offences punishable under Sections 109, 115(2), 3(5) of BNS, 2023, in FIR No. 118, dated 20.11.2024, registered at Police Station Julkan Patiala, District Patiala,

Punjab.

3. On hearing counsel for the petitioner (in CRM-M-54-2025), following order was passed on 14.01.2025:-

“ Mr. Dhananjai Rana, Advocate has filed his Vakalatnama on behalf of the complainant. The same is taken on record.

Counsel for the petitioner contends that the petitioner-Sonu is not attributed of causing any injury to the victim-Jashan, which was considered as grievous. Subsequent thereto only injury attributed to the present petitioner is that he caused gandassi blow from blunt side on the forehead of Rahul son of Sucha Singh. However, Rahul has not been medicolegally examined.

On the other hand, learned State counsel submits that the investigation is still under progress and FIR was registered only in the month of November, 2024.

Adjourned to 19.02.2025.”

4. On the other hand, the learned State Counsel submits that the contention raised by the petitioner's counsel is correct. Injury attributed to the petitioner (in CRM-M-54-2025), is a gandassi blow from its blunt side on the forehead of 'Rahul', son of Sucha Singh, who has never been medically examined.

Further, learned State Counsel fairly concedes that although Section 109 of BNS, 2023, has been invoked, but there is no medical opinion till date to confirm that the injury was life-threatening or that the injured person would have succumbed in the absence of timely medical aid. However, the injury suffered by the victim - 'Jasan', has been declared as grievous one. Intention to cause murder by the accused, has been only inferred and provisions of Section 109 of BNS, 2023, have been invoked in the case.

5. Undoubtedly, such an inference can be drawn by the Court only after examining of the evidence, which is yet to be led before it.

Court is also informed that after completion of investigation, challan/final report has been submitted.

6. At this stage, learned counsel for the complainant, while opposing the petitioners' bail plea, argues that 'Rahul' had also sustained the injury, however, he could not be medically examined and after a week about, he expired in an accident.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Contention raised by the learned counsel for the complainant appears to be misconceived. Conducting of the medical examination of any injured has been there at the earliest and non-examination of 'Rahul' or any delay in medical assessment raises doubt over the credibility of the prosecution version.

9. So far as, petitioner – Sanju Ram is concerned (in CRM-983-2025), role assigned to him is of causing gandassi blow on the head of injured 'Jasan'. In view of the medical opinion given by the Doctor and as explained by learned State counsel also, it would be a debatable issue before the trial Court, as to whether offence is covered under Section 109 of BNS, 2023 or under Section 117/118 of BNS, 2023.

10. In view of totality of circumstances, and the facts/allegations levelled against the petitioners, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to both the petitioners.

11. Consequently, prayer made in the present petitions are **allowed**.

Petitioners are ordered to be released on bail, subject to their furnishing

bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

14. Petitions stand disposed of.

(SANJAY VASHISTH)
JUDGE

February 19, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*