



CRM-M-1698-2025

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

224

CRM-M-1698-2025

Date of decision: 24<sup>th</sup> April, 2025

Sukhwinder Kumar @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sumit Dua, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Prashant Bansal, Advocate for the complainant.

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**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. 209 dated 06.12.2022 registered under Sections 307, 323, 324, 452, 148 and 149 of IPC (Section 326 of IPC added later on) at Police Station Division 7, District Jalandhar.

2. The aforementioned FIR had been registered on the basis of statement recorded by the complainant Somnath @ Nanny, alleging that on the night of 05.12.2022, on hearing some of the noises, he came out of his room and found the petitioner while being accompanied by the co-accused and some unidentified persons proceeding towards him while being armed with deadly weapons and while hurling abuses. On seeing him, the petitioner



made an exhortation to teach a lesson for getting a case registered against him. On hearing so, he ran towards his room to save himself. His room-mate Sanju was with him. The petitioner and others, however, pushed the door of the room open and after criminally trespassing therein, they opened an attack upon him. The petitioner struck blows with *Khanda* on his head and ear. The co-accused also caused injuries to him. Sanju was also assaulted by them. On clamour being raised, they fled from the spot. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 05.11.2024. Investigation stands 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 long. Trial will take considerable time to conclude. A compromise has been arrived at between the complainant and himself and the dispute between the parties stands settled. Co-accused have been extended benefit of bail. On parity, he too deserves to be released on bail. 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 Assistant Advocate General, Punjab, that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. Learned counsel for the complainant has affirmed the fact that a compromise has been arrived at between the parties and submitted that the complainant has no objection, if the petition is allowed.

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



7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is alleged to have caused simple as well as grievous injuries to the complainant and his companion. The injuries so sustained have not been opined to be dangerous to life. The co-accused have been extended benefit of bail. Trial will take time to conclude since no witness has been examined so far and even charges have not been framed. Though, no consideration can be given to the fact that a compromise has been arrived at between the parties at this stage, since it is on the basis of the evidence to be adduced before the learned trial Court that this fact can be decided. Keeping in view the period of incarceration, the fact that co-accused have been extended benefit of bail and the well settled proposition of law that bail is the rule and jail is an exception, 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.

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

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

**[MANISHA BATRA]**  
**JUDGE**

**24<sup>th</sup> April, 2025**

*Parveen Sharma*

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