



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

CRM-M-56279-2024

Date of decision : 31.01.2025

Sanjay Kumar @ Sanju and another

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Shiv Kumar Sharma, Advocate
for the petitioners.

Mr. J.S. Arora, DAG, Punjab.

Mr. Baisham Kinger, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioners in case FIR No.68 dated 15.07.2024, under Sections 110, 115(2), 126(2), 351(2), 3(5) of BNS, 2023, registered at Police Station City Dhuri, District Sangrur.
2. Learned counsel for the petitioners submits that while presenting challan, offence under Section 117 of BNS was added however, inadvertently, the same could not be mentioned in the petition.
3. Learned State counsel has affirmed the submissions made by learned counsel for the petitioner.
4. Accordingly, Section 117 of BNS is ordered to be added in the prayer clause as well as in the headnote of petition and be read along with other Sections already mentioned therein. Registry is directed to do the necessary corrections.
5. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of Jasvir Singh @ Kaka. It was alleged that



on 13.07.2024, his brother Sahil Kumar @ Kaju was returning home and at about 9:30 PM when he reached near temple of Bala Ji, he was waylaid by Sanjay Kumar @ Sanju (petitioner), Labhu and Babba and he was given injuries on his head and other parts of the body with intention to kill him because Sanju was facing the earlier registered FIR for which he was pressurizing his son Sahil Kumar for compromise. After beating his son, they escaped from the place of occurrence. His son was shifted to PGI, Chandigarh for treatment. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Petitioner No.1-Sanjay Kumar was arrested on 17.07.2024. The name of petitioner No.2-Niraj Kumar figured in the statement of complainant recorded later on and he was arrested on 17.07.2024. Petitioners approached the Court of learned Additional Sessions Judge, Sangrur praying for grant of regular bail. However, after hearing both the sides, learned Additional Sessions Judge, Sangrur declined the same vide orders dated 23.10.2024 ad 11.10.2024 respectively. Hence, petitioners are before this Court by way of filing the present petition.

6. Learned counsel for the petitioners has vehemently contended that petitioners have been falsely implicated in this case. He submits that the complainant is not even an eye-witness in the present case. He submits that as there was rivalry between the parties hence, the petitioners were implicated in this case. It is submitted that even otherwise, after registration of the FIR, both the sides have amicably resolved their outstanding issues. He submits that though petitioner No.1-Sanjay Kumar is involved in two other cases however, in one case, he has undergone the sentence and in another one, he is convicted. He further submits that though petitioner No.2-Neeraj Kumar is involved in one more case, however, he is on bail in



the same. He submits that the investigation is already complete and charges are framed however, the prosecution has not examined even a single witness till date. He thus, submits that petitioners be granted regular bail.

7. Learned counsel for the complainant has affirmed the submissions made by counsel for the petitioners. He submits that the FIR was lodged due to misunderstanding and now both the sides have amicably resolved their issues.

8. Learned State counsel on the other hand opposed the submissions made by counsel for the petitioners. He has submitted that name of petitioner-Sanjay Kumar was specifically mentioned in the FIR who caused injury to the son of the complainant, Sahil Kumar and the same has been declared grievous in nature and name of petitioner-Neeraj figured on the basis of supplementary statement of complainant. He submits that petitioner No.1-Sanjay Kumar is involved in two other cases however, in one case, he has undergone the sentence and in another one, he is convicted. He further submits that petitioner No.2-Neeraj Kumar is also involved in one more case, however, he is on bail in the same.

9. After hearing counsel for the parties and perusing the record, it is deciphered that petitioners are behind bars since 17.07.2024. Investigation is complete and charges are also framed. However, as submitted, out of 16 prosecution witnesses, none has been examined till date. In all there are 04 accused, out of which, 02 accused are yet to be arrested but petitioners along with co-accused are behind bars. Though petitioner No.1 is involved in two other cases however, in one case, he has already undergone the sentence and in another he is convicted. Though petitioner No.2 is involved in one case, however, he is on bail in the same. It is also submitted that now both the sides have decided to bury the hatchet



and has compromised the matter.

10. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

31.01.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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