

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4934-2025
Reserved on: 13.02.2025
Pronounced on: 19.02.2025

Sonu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Vashisht, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
218	30.08.2023	Sahnewal, District Ludhiana	379-B (2) and 34 IPC (Sections 506 and 411 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 9 of the bail petition, the petitioner is also involved in other cases but details of the same are not mentioned. However, as per the custody certificate dated 12.02.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	222	01.09.2023	379-B (2), 148, 149 IPC, 25/54/59 of Arms Act	Sahnewal
2.	210	20.08.2023	379-B (2), 506, 34 IPC	Sahnewal
3.	223	01.09.2023	25-54-59 of Arms Act	Sahnewal
4.	217	30.08.2023	379-B (2), 34 IPC	Sahnewal
5.	124	31.08.2023	379-B (2), 34 IPC	Focal Point
6.	166	11.08.2023	379-B (2), 34 IPC	Divn. No.6 Industrial Area

3. The facts and allegations are being taken from the translated copy of the FIR annexed with the petiiton, which reads as follows:

“Statement of Mantosh Son of Hardev Resident of Village Baroli Police Station Baliya UP at present resident of Gali no. 1, Ganpati Colony Back Side Sigma College Jaspal Bagar Police Station Sahnewal Ludhiana aged

about 26 years Mobile no. 98031-xxxx stated that I am a resident of above said address and is working in a factory under name & style of Progressive Factory, near Eastman Chowk, Ludhiana. On 27.03.2023 at about 11.30 PM, I along with my friends Munish and Durgesh were going to home on Activa bearing No. PB10-HU-6836 after dropping my relative at Railway Station, Dhandari. When we reached near Satsang Ghar, Lohara, Gate No.1, then six boys with hair cut on two motorcycles stopped my Activa, by stopping Motorcycle no. PB10-HH-9499 while the other motorcyclist bearing No. PB10-EM-4856 came from their backside. Three occupants of the motorcycle on rear side, while being armed with iron daats started beating me through the blunt side of the daats. They even gave daat blow on the person of Munish, my friend. Blood started oozing from his person. They were referring each other as Sandeep, Sonu, Anda, Munish, Dev and Nitin. But I can recognize all above said person that come before me. When I and my friends raised hue and cry, then motorcyclists along-with their motorcycle stole my Activa and rushed away towards Lohara Road to whom I continued to search for them, but I did not find anything. Legal action should be taken against two motorcyclists namely Sandeep, Sonu, Anda, Munish, Dev and Nitin. I record my statement, heard and the same is correct. SD/- Mantosh verified by SI Rajwant Singh No. 315/ Ludhiana In charge Chowki, Kanganwal, Police Station Sahnewal. Dated 30-08-2023 Police Proceedings Today me SHO along with SB Gurmukh Singh no. 203/LCP, Constable Jasvir Singh no. 1407/Ldh, Constable Harjinder Singh no. 343/Ldh were present at near Eastman Chowk, Ludhiana in connection with the search for a suspicious man. Then above said Mantosh came and recorded their statement to me. The statement which I was recorded, word by word read out to him, who after listening and by agreeing, signed the same in English which was verified by me SB. From the statement offence under Section 379-B(2), 34 of Indian Penal Code 1860 seems to be committed. So ruqa and statement is sent through Constable Harjinder Singh no. 343/Ldh for registration of case against two motorcyclists namely Sandeep, Sonu, Anda, Munish, Dev and Nitin to police station. After registration of case, the case number be made known. Control room intimated through wireless. Special reports be issued."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail based on instructions.

REASONING:

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per the custody certificate dated 12.02.2025, the petitioner’s total custody in this FIR is one year, five months and eight days, as such, there is no need of State reply, if time is given that will only delay the matter. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner’s complying with the following terms.

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. This bail is conditional, and the foundational condition is that if the petitioner

indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

13. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.02.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.