



CRM-M-49147-2024

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

304

CRM-M-49147-2024

Date of decision: 4th December, 2024

Ishwaer Chauhan @ Ishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. A.S. Samra, AAG, 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. 141 dated 13.07.2023 registered under Sections 379-B(2), 323, 341, 148 and 149 of IPC, 1860 (Section 201 of IPC added later on) at Police Station Gate Hakima, District Amritsar.

2. The petitioner is facing trial for commission of the aforementioned offences, on the allegations that on the intervening night of 12/13.07.2023, he along with the co-accused had intercepted the complainant and his two friends while they were riding on an activa vehicle, had assaulted them and then snatched an amount of Rs. 35,000/-, mobile phones from the victims their vehicle and had fled away. The petitioner had



been arrested on the basis of disclosure statement of the co-accused Vishu @ Kala.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He was not named in the FIR. Even the complainant had sworn an affidavit before the police that he was not amongst the persons, who had assaulted him and had snatched his belongings. He is in custody since 15.07.2024. Investigation has since been completed. Trial is likely to take time. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by the petitioner. It is submitted therein and learned State counsel has argued that keeping in view the gravity of allegations, the petitioner does not deserve to be released on bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have snatched a sum of Rs. 35,000/-, mobile phone and an activa vehicle belonging to the victim on the intervening night of 12/13.07.2023. He is in custody since 15.07.2024. Trial has commenced and is likely to take time. No useful purpose would be served by detaining the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts, 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 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.

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

[MANISHA BATRA]
JUDGE

4th December, 2024
Parveen Sharma

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