



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2400-2025

Date of decision: 22.01.2025

Aryan Singh @ Raja

....Petitioner

Versus

The State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas P. Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.144 dated 11.12.2023 registered under Sections 379-B(2), 380, 457, 34 IPC at Police Station Koom Kalan, District Ludhiana.
2. As per the allegations appearing on the record, the case was registered against the petitioner on the statement of Rajesh Kumar to the effect that on 11.12.2023 at about 9.00 PM he was present in his Karyana shop and Gaggi of his Village was also present there. In the meantime, four persons with muffled faces, armed with deadly weapons suddenly entered the shop and started beating them. They put them under the fear of weapons and took out all the sale of his shop from the 'Galla' and thereafter, they fled away on motorcycles without number



plates. On the basis of this statement, FIR was registered against unknown persons.

3. Learned counsel for the petitioner *inter alia* contends that the similarly situated co-accused of the petitioner namely Sunil Kumar has already been granted the concession of regular bail by this Court on 14.01.2025 passed in CRM-M No.277 of 2025. He submits that the petitioner has been falsely implicated in the present case and he was not named in the FIR (supra) and no injury has been caused to the complainant by the alleged assailants. Although, there are allegations that they were armed with weapons, nothing incriminating has been recovered from the possession of the petitioner. Further the petitioner was not known to the complainant or the investigating officer, yet to establish the identity of the petitioner as one of the assailants, the test identification parade has not been conducted. The petitioner has been implicated in other cases just to solve the un-traced cases.

4. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was duly identified by the petitioner and he is habitual offender and petitioner along with his coaccused have committed heinous offences. However, he could not controvert the fact that petitioner is behind the bars since 11.01.2024.

5. Having heard the learned counsel for the parties, it transpires that petitioner is behind the bars since for 01 year 10 days as on 21.01.2025 and out of total 09 prosecution witnesses, none has been



examined so far, therefore, the trial of the case shall take considerable long time to conclude. Culpability, if any, would be determined at the time of the trial. In view of the ratio of law laid down by Hon’ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr. 2020(1) RCR (Criminal) 831** and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others 2012(2) SCC 382**, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

6. In view of the above, the present petition is allowed and the petitioner namely Aryan Singh @ Raja is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

22.01.2025
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No