



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2721-2025
Decided on: January 23, 2025

Sky Love @ Sky Way @ Sky Love Masih
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Instant petition has been filed under Section 483 of the BNSS, 2023, for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section	Police Station	District
Sky Love @ Sky Way @ Sky Love Masih son of Daniel Masih	0037	11.04.2024	Ss. 341, 364-A, 392, 386, 323, 324, 506, 148 & 149 IPC [Ss. 325, 397 & 120-B IPC added later on]	Majitha	Amritsar Rural

2. Learned counsel for the petitioner contends that, in fact, the dispute is in regard to the non-payment of instalments of the vehicle, i.e.



Chhota Hathi, to the financier, which was driven by the complainant/victim, Ajay. Totally a false case has been planted against the present petitioner. The alleged incident took place on 04.04.2024. Thereupon on 07.04.2024, when the complainant/victim, namely, Ajay, was under treatment in the hospital, for recording his statement, police officials went there. Despite declaring him fit to give statement by the concerned doctor, complainant/victim, Ajay, did not get recorded his statement, rather took an excuse that he was mentally disturbed and would give his statement subsequently. It was thereafter on 11.04.2024, i.e. after 7 days of the alleged incident, complainant/victim got recorded his statement, on the basis of which present FIR has been registered.

Further submits that in such like cases, where ransom is demanded, in normal course the accused people would not be of known persons to the victim. Also submits that the petitioner is a young boy, aged about 24 years, and till date, apart the present case, there is no other similar incident ever registered against the credit of the petitioner, except one FIR No. 194, dated 21.08.2021, under Sections 379-B, 411, 468, 471, 120, 148 and 149 IPC, registered at Police Station Cantonment, Amritsar, in which the petitioner was released on bail way back in October, 2021. Thus, prays for grant of bail.

3. On the other hand, learned State counsel submits that as far as petitioner is concerned, nothing has been recovered from his possession, and admits that the petitioner is inside jail since 22.10.2024, in the present case. However, he submits that actually other co-accused



are yet to be arrested, therefore, present petitioner should not be released on bail.

4. I have considered the submissions and gone through the relevant material available on record with their able assistance.

The submissions addressed by learned counsel for the petitioner, if taken to be true for the purpose of considering the plea for bail, the same requires to be examined after leading of evidence by the prosecution. However, it is admitted position that after effecting arrest of the petitioner, nothing has been recovered from his possession. While considering the plea of bail of the petitioner, this Court assumes that the prosecution would have certainly resorted to all methods, for the purpose of interrogation. Thus, in a case where nothing has been recovered and the FIR has been registered at belated stage after consuming a considerable time, this Court does not find any substantial reason to keep the petitioner inside jail for indefinite period. Investigation is still in progress.

5. In view of totality of circumstances; the facts/allegations levelled against the petitioner; the factors noticed hereinabove; and without making any comments on the merits of the case, I deem it appropriate to grant the concession of bail to the petitioner.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
9. However, it is clarified that in case the petitioner is found indulged in impressing upon the witnesses in any manner, the present bail order would be deemed to be cancelled.
10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 23, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**