

224**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-5701-2025 (O&M)****Date of Decision:21.05.2025****SUMIT KUMAR****...Petitioner****Vs.****STATE OF PUNJAB****...Respondent****CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Jaspreet Kaur (Reet Kaur), Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*), for grant of bail pending trial to the petitioner in FIR No.154 dated 22.09.2023, under Section 379-B read with Section 34 of the Indian Penal Code, 1860, (*for short 'IPC'*), registered at Police Station Division No.2, District Ludhiana.

2. Custody Certificate dated 20.05.2025 *qua* petitioner has been produced. The same is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

3. Allegations are that petitioner along with co-accused snatched away the mobile phone of the *de facto* complainant-Muhammad Dawood.

4. Contends that complainant while appearing as PW-1 has not supported the charge against petitioner. Copy of the testimony produced in Court is taken on record and is marked as 'X'.

4.1. Further contends that petitioner is in custody since 25.09.2023; after investigation, final report under Section 173 of Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) has already been presented before the



Court of competent jurisdiction on 18.11.2023 ; charges were framed on 06.05.2024 and out of total 07 prosecution witnesses, only one has been examined so far.

5. Learned State counsel, on instructions, has duly acknowledged the factum of custody as well as status of trial. However, he opposed the prayer on the ground that allegations are serious in nature.

6. Heard both sides and perused the paper-book.

7. It transpires that petitioner is in custody since 25.09.2023; after investigation, final report under Section 173 of Cr.P.C. was presented before the Court of competent jurisdiction on 18.11.2023; charges were framed on 06.05.2024, but out of total 07 prosecution witnesses, only one has been examined so far.

8. Furthermore, it is not the objection raised by State that in case, petitioner is released on bail, he may influence the witnesses or hamper the course of trial, in any manner.

9. Apart that, complainant has turned hostile and not supporting the charge against petitioner; therefore, his further incarceration would not serve any purpose.

10. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

12. The above observations may not be construed as an expression of opinion on the merits of the case.

13. It is clarified that in case there is recurrence or any misuse of



concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

21.05.2025

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