



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-M-6789-2025 (O&M)
Date of Decision:- 12.05.2025

SUSHIL KUMAR ALIAS TIKOL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Naresh Jain, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
138	16.09.2024	308(2) and 351(3) BNS; 25 of the Arms Act	Civil Lines, Bathinda, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 18.09.2024 and has no concern whatsoever with the allegations levelled in the FIR nor with the co-accused. He contends that the petitioner has been allegedly nominated in the present case on the basis of disclosure statement of co-accused Parminder Singh



claiming that the phone used for making the ransom call belonged to the petitioner. He submits that challan has been presented in Court and the petitioner is not having any criminal antecedents. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition, however, on telephonic instructions received from ASI Kaur Singh, has apprised the Court that apart from the disclosure statement of Parminder Singh, there is no other substantive evidence against the petitioner of being the owner of the said mobile phone. He has further apprised that 02 witnesses have been examined out of 17 witnesses cited by the prosecution.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner had been nominated in the present case on the disclosure statement of co-accused Parminder Singh, alleging that the ransom call was made to the victim from the mobile phone owned by the petitioner. Accordingly, the petitioner was arrested on 18.09.2024. Admittedly, no recovery has been effected from the petitioner in the present case. As stated by learned State counsel, there is nothing on record to substantiate the version that the mobile phone in fact belonged to the petitioner. There is only the disclosure statement of co-accused Parminder Singh to this effect and the evidentiary value thereof is debatable. The petitioner is not having any criminal antecedents nor any recovery has been effected from him. The criminal liability, if any, of the petitioner, could only



be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

12.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No