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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-8028-2025  
Date of decision:-15.05.2025

MAHESH SHARMA  
... Petitioner  
Versus  
STATE OF PUNJAB  
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Abhishek Jindal, Advocate, for the petitioner.  
Mr. Durgesh Garg, AAG, Punjab.

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SANJIV BERRY, J.(ORAL)

Reply by way of an affidavit dated 21.04.2025, of Deputy Superintendent of Police, Sub-Division Zirakpur, District SAS Nagar, has been filed in the Registry,the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections                                                  | Police Station               |
|---------|------------|-----------------------------------------------------------|------------------------------|
| 456     | 14.10.2024 | 304(2), 109, 351(1), 112, 61(2) of BNS and 25 of Arms Act | Zirakpur, District SAS Nagar |

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent, and has been falsely implicated in this case, petitioner happens to be the honest taxi driver, who had been engaged by co-



accused Rahul for taking him to Phabat, near bus stand, where he dropped him and after some time he took said Rahul back. He contends that the petitioner was not aware of the deeds of the co-accused and had simply driving the car to the specified place as asked by the customer. He contends that the petitioner has no concern whatsoever with the co-accused or the allegations levelled in the FIR. He contends that petitioner was arrested on 20.10.2024, after completion of investigation, challan has already been presented in Court, hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has not disputed the factual matrix of the case, however has prayed for dismissal of the petition on the ground that the petitioner is involved in the heinous crime. However, on query, he clarified that no recovery has been effected from the petitioner in this case except the car driven by him as taxi.

6. After considering the rival contentions and perusing the record, it is observed that instant FIR was registered on the statement of the complainant that he was running a jewellery shop in Zirakpur and on 14.10.2024 at about 2 pm two persons came in his shop and one had muffled face and other wearing helmet and were pointing a pistol threatening the complainant to handover the articles in his possession, while other one snatched the gold chain worn by the complainant. The person carrying pistol fired a shot, but the complainant escaped unhurt. The assailants then ran away, taking away gold chain, hence FIR was registered. Subsequently, the petitioner was nominated on the disclosure statement of co-accused



Gagandeep. The perusal of record would reveal that as per allegations of the complainant, only two persons had entered his premises and snatched the gold chain. The petitioner is not stated to have accompanied the co-accused to the shop of the complainant but kept sitting in his car which he admittedly is plying as taxi. Even consequent to his arrest in the present case no recovery has been effected from him, except for the car which he was plying as taxi. After completion of investigation, challan has already been presented in Court, the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as, such, no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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 the evidence of the prosecution in any manner.

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

9. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**15.05.2025**

|      |     |                            |        |
|------|-----|----------------------------|--------|
| Gyan | i)  | Whether speaking/reasoned? | Yes/No |
|      | ii) | Whether reportable?        | Yes/No |