

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:092498



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CRM-M-9386-2025 (O&M)
Date of decision:24.07.2025

Shiva

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Atul Goyal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.18 dated 11.05.2024 registered under Sections 379B(2), 323, 34 IPC and Section 146 of the Railway Act, at Police Station GRP Faridkot.

2. As per the allegations, on 10.05.2024 at about 10:00 p.m., the complainant – Chandan, who was working as a Pointsman at Railway Station Muktsar Sahib had gone to change the *kanta* at the railway track on the orders of the Station Master and while he was changing the point, two youths reached there, one of them was carrying an iron rod and another one caught hold of his arms and while hitting his back with an iron rod, forcibly took away his cell phone and cash amount of Rs.500/- kept in his pocket and

then both of them had escaped. On his statement, FIR was registered, investigation proceedings were initiated. During investigation, the petitioner was arrested on 19.10.2024. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 19.10.2024. He was not named in the FIR. No recovery is to be effected from him. The trial would take considerable time to conclude. No useful purpose would be served by keeping the petitioner in custody. With these broad submissions, it is urged that he deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel has advanced notice of the petition. He has placed on record copy of custody certificate of the petitioner and submitted that there are grave allegations against the petitioner and therefore, he does not deserve to be released on bail.

6. I have heard rival submissions made by learned counsel for the parties.

7. The petitioner along with co-accused is alleged to have snatched a mobile phone and cash amount of Rs.500/- from the complainant on the night of 10.05.2024 while assaulting him and causing injuries to him. He is involved in one more case of similar nature. However, he cannot be denied benefit of bail due to that reason. The trial will take time. Further incarceration of the petitioner would not serve any purpose. It is well settled preposition of law that the bail is the rule and jail is an exception.

8. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest they prejudice

the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

24.07.2025

harjeet

(MANISHA BATRA)
JUDGE

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