

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

236

CRM-M-10395-2025

Date of decision: 22nd May, 2025

Manoj Kumar @ Monu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

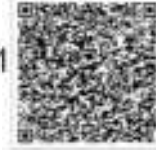
Present: Mr. Jagmeet Singh Moudgil, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

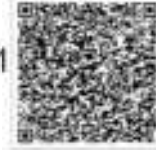
The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 215 dated 12.11.2024 registered under Sections 310(4), 310(5), 111(3) and 111(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(6) of Arms Act, 1959 (Section 317(2) of BNS added later on) at Police Station Civil Lines, Patiala, District Patiala.

2. The aforementioned FIR was registered on the allegations that on 12.11.2024, a secret information was received to the effect that the petitioner and co-accused Robin, Deepak Kumar, Manpreet Singh and Ranjeet Kumar were sitting near cremation ground, Badunagar near PSPCL quarters. They were armed with deadly weapons and were making plans to commit offence of dacoity in the city and were hatching a conspiracy. It was



also informed that they were habitual offender. Believing the secret information, a raiding party was immediately formed. Ruqa was sent to the police station for registration of FIR. The raiding party party went towards the informed place and apprehended the petitioner and co-accused while they were present in a room built near PSPCL quarters and were having conversation with each other. One iron rod was recovered from the custody of the petitioner, whereas, two country made pistols, several live cartridges, one knife and one iron rod were recovered from the possession of remaining accused respectively. The petitioner and other co-accused were interrogated and they disclosed that they had committed theft in house at Patiala on intervening night of 16.10.2024 and had concealed stolen gold and silver ornaments at a particular place. In pursuance of their disclosure statements, they were nominated as accused in case bearing FIR No. 198 dated 24.10.2024, which was already registered at Police Station Civil Lines, Patiala against unknown persons on account of theft of above mentioned jewellery. In pursuance of their disclosure statements, 228.290 gram of jewellery was recovered at the instance of the petitioner and the co-accused. Offence under Section 317(2) of BNS were added. Investigation now stands completed and the challan stands presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 12.11.2024. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in other cases is not a ground to deny benefit of bail to him. With these broad submissions, it is urged that the petitioner deserves to be released on bail.



4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. He along with the co-accused was apprehended with deadly weapons and while they were hatching conspiracy to commit offence of dacoity, 23 tollas of gold has been recovered at their instance. The petitioner is involved in another criminal case and has criminal antecedents. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserves to be allowed.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioner along with the co-accused is alleged to be a part of an organized crime and is further alleged to have been apprehended by the police officials while he was making plans to commit offence of dacoity with the co-accused. Recovery of some gold/silver ornaments have been effected at the instance of the petitioner and co-accused. He is, however, in custody since 12.11.2024. Trial will take time as even charges have not been framed against the petitioner. There is no basis for the contention that he may intimidate the witnesses or abscond. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner deserves to be released on bail. Hence, 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 Chief Judicial Magistrate/



Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

22nd May, 2025

Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |