



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14906-2025
Date of decision:-14.05.2025

RAJBIR ALIAS RAJBEER AND ANOTHER
... Petitioners
Versus
STATE OF PUNJAB
... Respondent

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

Present:- Mr. Vishal Thakur, Advocate, for the petitioners.
Mr. Durgesh Garg, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed short reply by way of an affidavit dated 28.04.2025, of Assistant Commissioner of Police (Civil Lines), Ludhiana, 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 Section 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
137	13.10.2024	304, 3(5) of BNS (283 of BNS added later on)	Division No.8, Ludhiana, District Ludhiana

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent, and has been falsely implicated in this case. He contends that FIR was registered against unknown persons and the



petitioners were arrested in another FIR No. 257 dated 29.11.2024, under Section 304 BNS, Police Station City, Phagwara and during investigation of the said FIR petitioners recorded disclosure statement stating that they had committed the alleged snatching on 12.10.2024 in the present FIR. He contends that the petitioners were arrested on the production warrants on 29.12.2024 and no recovery has been effected from them. He contends that after conclusion of investigation, challan has already been presented in Court, wherein prosecution has cited 7 witnesses and till date none of them have been examined. Hence, prayed for grant of concession of bail to the petitioners.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by arguing that petitioners are involved in heinous crime and deserve no concession of bail. Hence, prayed for dismissal of the bail petition. He, however, has not disputed that trial is going on, wherein 7 witnesses have been cited by the prosecution and till date none of them have been examined.

6. After considering the rival contentions and perusing the record, it is observed that instant FIR was registered on the statement of Rajinder Kumar to the effect that on 12.10.2024 at about 08:30 AM, while he was heading towards Mata Durga Mandir on scooter, was intercepted by two unknown persons on motorcycle without number plate. One of the assailant, riding on the pillion of the motorcycle disembarked and forcibly snatched gold chain of the complainant, wearing around his neck. Both the assailants fled away from the spot. On raising alarm, the assailants were chased but they managed to escape. Hence, FIR was registered.



7. The perusal of record would reveal that the petitioners were not named in the FIR but were nominated on their disclosure statement made during investigation in another FIR No.257 dated 29.11.2024, under Section 304 BNS, Police Station City, Phagwara. Admittedly, the petitioners were arrested on the production warrants on 29.12.2024 and no recovery has been effected from them. After completion of investigation, challan has been presented in Court wherein prosecution has cited 7 witnesses and till date none of them have been examined. 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 petitioners any longer in custody.

8. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioners are 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.

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

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

(SANJIV BERRY)
JUDGE

14.05.2025

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