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

**CRM-M-18939-2025
Date of Decision:21.04.2025**

AJAY KUMAR ALIAS KALI

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS. with a prayer to grant regular bail to him in case FIR No.0213 dated 27.10.2023, registered under Sections 379-B (2) IPC Act 1860 (Section 411 IPC added later on), Police Station Division No.8, District Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Subhash Arora son of Sh. Kashmiri Lal and the same has been reproduced below:-

“Statement of Subhash Arora son of Sh. Kashmiri Lal, Resident of House Number 306, Guru Teg Bahadur Nagar, Jalandhar. Age approximately 66 years. Mobile Number 98148-66780. Stated that I am resident of above said address and does the work of clothes.



My daughter is married at Ludhiana. On dated 25.10.2023 I alongwith my wife Shashi Arora went to Ludhiana on our Creta Car to meet our daughter. I alongwih my wife Shashi Arora went to Pavilion Mall at about 5 PM after met our daughter. We parked our car at Fountain Chowk near Church and went towards Pavilion Mall on foot. My wife Shashi Arora ahead 3-4 steps from me. When we reached near the gate no.1 of Pavilion Mall then from the side of Fountain Chowk a Hindu Gentleman came on our backside on his Scootry colour grey. And he snatched the purse of my wife holding in his right arm and my wife fell on the road. Person lying on the scootry snatched the purse from my wife and fled towards Pavilion Mall Chowk. I read the scootry number as PB10DF3669. I can identify the scootry driver Hindu gentleman if appear before me. I saved my wife with the help of passersby. My wife purse colour grey having Rs. 40000/- in cash, one mobile marka OPPO, and keys of house. The right wrist of my wife got fractured due to fell on the road. The treatment for the same is done at Chabbra Hospital, Ludhiana. I can produce the mobile bill lateron. Statement is recorded with you which is heard and correct”.

3. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons and he was arrested during the course of investigation, without any evidence. He further contends that even during the course of investigation, the police could not collect any admissible evidence against him and he has been made scapegoat by the police of Police Station Divisions No.3 and 8, as they repeatedly registered cases against him. He further contends that the petitioner is in custody for the last more than one year and 06 months and no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the



petitioner is involved in 06 more cases under similar nature and he is a habitual offender and does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. No doubt the petitioner is found involved in 06 other criminal cases, but the same is not the ground to deny the concession of bail to the petitioner, specially when he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be placed in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** in which the Hon'ble Supreme Court has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.***

7. The petitioner was arrested in the present case on 27.10.2023 and no prosecution witness has been examined so far and the conclusion of the trial may take quite a long time. Thus, further custody of the petitioner may not serve any useful purpose.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.



(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

9. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him



shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

21.04.2025
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(N.S. SHEKHAWAT)
JUDGE

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