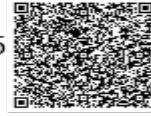


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:068895



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CRM-M-19601-2025
Date of decision:21.05.2025

Naresh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhavesh Aggarwal, 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.100 dated 27.09.2024 registered under Sections 331(4), 305 of BNS, 2023 (Sections 115(2), 127(2), 331(6), 191(3), 190 of BNS have been added subsequently) at Police Station Sadar Raikot, District Ludhiana Rural.

2. The aforementioned FIR was registered on the basis of a complaint lodged by Amandeep Kaur, Principal, Government Senior Secondary Smart School, Bhaini Baringa, Ludhiana alleging that on the intervening night of 26/27.09.2024, some unknown persons had committed theft of articles kept in the school after extending beatings to the school security guard. The list of those articles was attached with the complaint. Investigation proceedings were initiated. During investigation, the petitioner

and co-accused were nominated as accused. The petitioner was arrested on 16.12.2024 and is in custody since then. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. Even in the statement of the security guard, no one had been named. A false recovery has been planted upon him. No test identification parade of the petitioner was got conducted from the victim. The ingredients for commission of offence under Section 331 of the BNS are not at all attracted. The trial is likely to take time. His further detention would not serve any useful purpose. He is on bail in most of the cases registered against him. His involvement in such cases cannot be considered to be a reason for not allowing benefit of bail to him. With these broad submissions, it is urged that he deserves to be released on bail.

4. Per contra, learned State counsel while placing on record the custody certificate of the petitioner has vehemently argued that there are serious allegations against the petitioner, who is a habitual offender since as many as 05 more cases of similar nature have been registered against him. It is argued that there are chances of the petitioner's committing similar offences or absconding, if extended benefit of bail. Hence, it is stressed that the petition does not deserve to be allowed.

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

6. The petitioner along with co-accused is alleged to have entered into the premises of the school of the complainant and is further alleged to

have committed theft of the articles kept therein. The petitioner is in custody since 16.12.2024. Merely because of the fact that some other cases have been registered against him, he cannot be denied the benefit of bail. Trial is obviously likely to take time to conclude. In the considered opinion of this Court, his further incarceration would not serve any fruitful purpose. It is well settled preposition of law that the bail is the rule and jail is an exception. Keeping in view the above discussed facts, but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, 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.

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

21.05.2025*harjeet***(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No