S. No.215 2025:PHHC:108759

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-22652 of 2025
Date of Decision:20.08.2025

Akash Masih **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

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Yashvir Singh Rathor, J. (Oral)

1. This is first petition filed under Section 483 of BNSS for releasing the petitioner on regular bail in case FIR No.333 dated 30.12.2024 registered under Section 304(2), 126(2), 3(5), 309(5), 317(2) of BNS and Section 341(2) of BNS at Police Station Civil Lines Batala, District Gurdaspur.

2. The present case was registered on the basis of statement given to the police by Sakawala Lone s/o Gulam Mohammad with the allegations that on 30.12.2024, he along with his two friends Mohammad Ashram Malik and Javed Ahmed was going to their house after purchasing vegetables from Gurdaspur Road Batala. When they reached near Sharda Foundary at about 12:30 PM, two unknown persons came on a motor-cycle and the person who was driving the motor-cycle threatened them and asked them to hand over their belongings after showing them a knife. He snatched a sum of Rs.4,000/- forcibly from him and when he resisted, he gave a knife blow on his right hand. Thereafter, he snatched

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Redmi Phone from Javed Ahmed and thereafter, they ran-away from the spot. Petitioner was arrested on 02.01.2025 and he suffered disclosure statement and got recovered the mobile phone and a sum of Rs.4,000/- along with the knife used in committing the crime. Co-accused Manga was also arrested on 13.05.2025 and after completion of investigation, final report was presented.

3. Learned counsel for the petitioner contended that offence in question has been committed by unknown persons. Even physical features, age, complexion and built of the assailants have not been mentioned in the FIR. No test identification Parade of the accused was got conducted by the police. Petitioner is in custody since 02.01.2025. Challan has already been presented and trial is likely to take sufficiently long time to conclude and no useful purpose will be served by keeping the petitioner in custody and he may be released on bail.

4. On the other hand, learned State Counsel has opposed the bail petition and argued that in view of the gravity of the offence, petitioner does not deserve the concession of bail.

5. Offence in question was committed by unknown persons and after the arrest of the accused, no test identification parade has been got conducted. It will thus be a debatable question during the trial as to whether the offence in question was committed by the petitioner or not. Recovery has already been effected. Petitioner is in custody since 02.01.2025. Trial is likely to take a long time to conclude and no useful purpose will thus be served by detaining him in custody anymore.

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6. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(Yashvir Singh Rathor)
Judge

August 20, 2025
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Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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