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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: August 19, 2025

Kuldeep

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Kiranpreet Singh Sidhu, Advocate and
Mr. Sourav Duvedi, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.349 dated 10.08.2024, registered under Sections 307, 115(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 238, 317(2), 309(6), 61(2) and 311 of BNS added later on), at Police Station Zirakpur, Mohali.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

"Copy of statement, "Statement of Raj Kumar S/o Shri Bairam Dutt Sharma R/o House No. B-302, Royal Umpire Society, Pir Muchhala Police Station Dhakoli, District S.A.S. Nagar Age around 57 years Mobile number 97800-31626, 92165-50036.Stated That I am a resident of the above address and work at Punjabi Tribune newspaper, Chandigarh. On Dated 08.08.2024 I came to Zirakpur from my home for personal work in my car number HR-03-U-3077 and the time was around 11.30. PM But when I went to nearby Lucky Dhaba Zirakpur, a girl standing on the road

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signaled me to stop. And requested me to leave her at A.K.M. Gurudwara Sahib Opposite Palace Patiala Road Zirakpur, so I made that girl sit in my car as it was late at night. When I am in front of A.K.M. Palace When I stopped the car to pick up the girl, a bullet motor cycle came from behind at the same time as my car Stopped, on which 3 young boys were riding. Who quickly got down from there motorcycle and A young man among me opened the conductor side door of my car and sat inside. Suddenly my mobile was taken away and a young man opened the door of the seat behind me and entered inside. He held the knife in his hand and placed it on my neck and said, 'Give us whatever you have. The young man sitting next to me took out the gold chain around my neck and Karra from my right hand. Took off the pot, kept in my dose board and took out a cash of Rs 12000/- By scaring me and asking for the code of my mobile phone, and he sent from my Google Pay Rs. 20000/- to some Google Pay number, Transferred. When I started arguing with him, a young man took out a knife from his box. When he started to attack me, I put my right hand forward in defense and this knife was in my right hand. When I touched it with a little finger, I started crying loudly, then these three people took out my car keys and my mobile, they took the phone and fled away on his Bullet motorcycle. I read the number of the motorcycle as CH-01BZ-8064. Then I called my home with the help of a passerby and my daughter Aastha Sharma came and took me home. On 09.08.2024 due to severe injury on the finger of my right hand, my relatives took me to Civil Hospital Dhakoli for treatment. Where the doctor treated me and discharged me. Due to my unwell condition, I did not registered FIR of this accident. Could not get my statement recorded with you. Legal action is taken against, three unidentified young men of Bullet motor cycle number CH-01BZ-8064 and one unknown girl. Action should be taken. Today I came to the police station and got my statement written to you, I heard it is correct. Sd/-Raj Kumar, attestation is correct/- Ravinder Singh ASI Police Station Zirakpur dated 10.08 2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.08.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the requisite TIP (Test Identification Parade) was not carried out in accordance with law. Learned counsel has urged that the petitioner is a man aged 33 years and is sole bread earner of his family. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the

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petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 16.08.2025 in the Court today, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 15.08.2024 whereinafter investigation was carried out and challan was presented on 08.10.2024. Total 17 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that culmination of the trial will take its own time. The rival contention raised at par give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 16.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year. Further, as per the said custody certificate, the petitioner is stated to be involved in multiple cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua*

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the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another*, 2012 (1) RCR (Criminal) 586; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State*, 1998 (2) RCR (Criminal) 477 & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana*, 1998 (3) RCR (Criminal) 191.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 19, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No