

2025:PHHC:079233



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

**CRM-M-31351-2025 (O&M)
DECIDED ON: 04.07.2025**

SUNNY KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. PPS Tung, Advocate for the petitioner.
Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-24395-2025

Application is allowed, as prayed for.

Annexure P-4, is taken on record with just exceptions.

CRM-24396-2025

This is an application under Section 482 Cr.P.C., for impleading the complainant as party in the memo of parties.

For the reasons mentioned in the application, the same is allowed.

Complainant Khaniya Tiwari, is impleaded as respondent No.2 in the memo of parties.

Amended memo of parties is taken on record.

CRM-M-31351-2025

1. Prayer

This 3rd petition has been filed under Section 483 of BNSS, 2023 grant of regular bail in FIR No. 0101 dated 22.12.2024 registered under Sections 305(b),

307, 3(5) (Section 238 added later on) of BNS, 2023 at Police Station GRP Jalandhar, District Govt. Rly Police/Jalandhar, Punjab.

2. Facts

Facts as narrated in the FIR reads as under:-

“To the SHO Sahib, P.S GRP Jalandhar, respected Sir, I, Kanhyia Tiwari son of Baij Nath Tiwari resident of Gali no.02, Vikas Nagar, Baba Gandha, Phagwara, Kapurthala, P.S City Phagwara, district Kapurthala and I run a tea stall at railway station Phagwara and I have taken contract of IRCTC pantry in Train number 15211/12, hotel Rajasthan 225, Samar Vihar Colony, Alam Bagh, Lucknow, UP, 226005 contact number-9793311111. My pantry is from railway station Amritsar to railway station Darbanga and return. In which my staff members including my Manager are around 10 Deepu Giri. On dated 16.12.2024 I and pantry staff members were coming from Darbanga railway station to railway station Amritsar on Train number 15211. On date 18.12.2024 about 1.30 pm, when train departed from railway station Jalandhar city then suddenly some boys started arguments with me and my staff and when my staff opposed, then they took out their big screw drivers from their waists and started beating us and snatched Samsung mobile phone from my vender Manoj and also snatched one bag from my two Vender Vicky and Vinod in which rupees about 90-95000/- cash of our sale and plunderers were calling each other by the names Sunny, Pinku, Chaku and Goppi and they were all aged about 20-25 years and they threw away our all pantry material from running train after railway station Kartarpur and they got down from the running train at railway station Beas along with cash bag and stolen mobile phone. I have also registered complaint on railway helpline number 139 and on dated 18.12.2024 we departed in morning train number-15212 from railway station Amritsar to railway station Darbanga. Now we are present before you in police station, kindly take legal action against the aforesaid culprits and our stolen articles return to us and I can identify the above said boys. I shall be thankful to you. Yours

*Sincerely SD/- Kanhyia, Kanhyia Tiwari son of Baij Nath Tiwari
resident of Street no.02, Vikas Nagar, Baba Gandha, City Phagwara,
District Kapurthala.*

3. Contentions:

On behalf of the petitioner

At the outset, learned counsel for the petitioner submits that the matter has been compromised between the parties on the basis of compromise deed dated 14.05.2025 (Annexure P-4), with the intervention of the respectable of the society.

On behalf of the State

On the other hand, learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 6 months and 8 days.

Mr. Nitin Mittoo, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney. He does not controvert the submissions made by learned counsel for the petitioner rather candidly submits that he has no objection in case the petitioner be released on bail.

4. Analysis

Considering the fact that the parties have amicably resolved the matter and the investigation is completed, challan stands presented on 17.02.2025 charges have been framed on 03.03.2025 and out of total 10 prosecution witnesses, none has been examined so far, which is sufficient for this Court to infer that conclusion of trial shall take considerable time, therefore, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “*bail is a rule and jail is an exception*” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this

Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

5. **Relief:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

04.07.2025

Meenu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No