



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

230

CRM-M-42650-2024

Date of decision: 23.01.2025

GURJIT SINGH ALIAS SONU

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet Singh, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking in this second petition the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, in case FIR No.41 dated 25.05.2023 under Sections 454, 379-B(2), 506, 34 of the IPC (Sections 411 and 201 of the IPC added later on), registered at Police Station Punjab Agriculture University (PAU), District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 31.05.2023 and after the charges were framed on 15.04.2024, the trial Court has been adjourning the case repeatedly on account of the non-appearance of the prosecution witnesses. Hence, there is no possibility of the trial concluding in the near future since as many as 14 witnesses have been cited. While drawing the attention of this Court to the allegations levelled in the FIR, it has been further submitted that a perusal of the same reveals that as per the complainant himself, the alleged



assailants, who committed the crime in question inside his house, had come with their faces covered; no details had been provided by the complainant with respect to the alleged assailants much less of their physical appearances. Hence, there was no cogent material collected by the investigating agency to connect the petitioner with the occurrence in question. Learned counsel has submitted that later on a supplementary statement was allegedly made by the complainant that after viewing the CCTV footage of the place of occurrence, he was able to identify one of the co-accused Roshan Kumar, who then during his interrogation named the petitioner; a recovery of some stolen gold bangles of the complainant were thereafter shown to have been affected from him. Learned counsel has vehemently argued that mere recovery of the gold ornaments, though falsely planted upon the petitioner, however, even if for the sake of arguments assuming to be true, would not be sufficient to link him with the occurrence in question.

3. Per contra, learned State counsel has opposed the prayer of the petitioner but on instructions has been unable to dispute the custody period of the petitioner as well as the stage of trial. The learned State counsel has also not disputed that the alleged assailants who committed the crime inside the house of the complainant were masked; it was co-accused Roshan Kumar who was identified by the complainant from a CCTV footage and it was during his interrogation, the name of the petitioner surfaced.



4. I have heard learned counsel for the parties and perused the relevant material placed on record.
5. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future with none of the prosecution witnesses examined till date.
6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 23, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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