



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

**CRM-M-43541-2025
Date of decision: 09.09.2025**

KAPIL JASROTIA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Abhaysher Singh, Advocate
for the petitioner (Legal Aid Counsel).

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is first petition under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.12, dated 28.01.2025, registered at Police Station Sujampur, District Pathankot, Punjab under Sections 304(2), 126(2), 3(5) of BNS (Section 309(4) of BNS added later on vide Report No.18 dated 29.01.2025).

2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material collected by the police during investigation has been perused.

3. In compliance of order dated 18.08.2025, status report by way of affidavit dated 08.09.2025 of Lakhwinder Singh, PPS, Deputy Superintendent of Police, (Dhar Kalan), District Pathankot filed on behalf



of the State is taken on record. Registry is directed to tag the same at an appropriate place.

4. The present case was registered on the basis of complaint given to the police by Rajesh Kumar with the allegations that he runs a scrap dealer shop. On 27.01.2025, at about 07.00 PM, he was returning to his house on his motorcycle and when he reached near Ashok Leyland Agency, three young boys, who had covered their faces came on an Activa scooter and intercepted him. He tried to run away after parking his motorcycle but they caught hold of him and snatched a sum of Rs.38,000/- from him along with his mobile phone make Realme Narzo as well as his motorcycle and fled away. During investigation, Kuldeep Raj @ Kannu, Kapil Jasrotia (petitioner), Bannu Sudan and Ajay Kumar @ Sansi were arrested. Thereafter, complainant suffered supplementary statement to the effect that he had got confused and could not mention the details of the incident, while getting recorded his earlier statement and stated that one assailant was armed with a datar and one of the assailants had pointed the datar on his neck and had beaten him and had also demanded Rs.10 Lakh. When he had refused to pay the amount, they demanded Rs.5 Lakh and finally they demanded Rs.2 Lakh and thereafter, he had made a phone call to his wife, which was attended by his nephew Rishav and then, assailants asked him to arrange Rs.1 Lakh and disconnected the phone call. Thereafter, they put a plastic sack on his mouth and snatched the money, mobile phone and motorcycle and had



fled away. On the basis of supplementary statement, offence under Section 309(4) of BNS was also added.

5. Learned counsel for the petitioner argued that infact one FIR No.13/2025 under Section 21 of NDPS Act was registered against co-accused Kuldeep Raj @ Kannu, who suffered disclosure statement and nominated the petitioner as his accomplice in the present FIR. Thereafter, petitioner was also arrested in the aforesaid FIR under NDPS Act and thereafter, he was arrested in the present case. Learned counsel next contended that disclosure statement suffered by co-accused is not admissible in evidence. The offence in question was committed by unknown persons. No test identification parade of the accused was got conducted and infact, the assailants had kept their faces muffled as alleged in the FIR. Learned counsel next contended that petitioner is in custody since 01.02.2025. The investigation and trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

6. On the other hand, learned State counsel has opposed the bail and argued that petitioner has committed a heinous offence and in view of gravity of offence, petitioner does not deserve the concession of regular bail.

7. Offence in question was committed by unknown persons, who had kept their faces muffled. As such, it will be a debatable question



during the trial as to whether the petitioner had committed the offence or not. As to how much evidentiary value will be attached in the disclosure statement of the co-accused and that of the accused himself shall be the subject matter of trial. He is in custody since 01.02.2025. Investigation and trial will certainly take a long time to conclude and no useful purpose shall be served by keeping him in custody any more.

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

09.09.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No