



CRM-M-43462-2025

[1]

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

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CRM-M-43462-2025

Date of decision : 03.09.2025

Khokan Bera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Saurav Kanojia, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

SUBHAS MEHLA, J.(ORAL)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), seeking regular bail in FIR No.34 dated 01.05.2025 (Annexure P-1), under Sections 316(2), 316(3) and Section 3(5) of the BNS (Section 317(2) of the BNS added later on), registered at Police Station Division No.4, District Ludhiana.

2. Learned counsel for the petitioner contended that the petitioner is in custody since 04.05.2025 i.e. for 04 months and investigation has already been completed in the matter. He also submitted that the offences are triable by the Magistrate and the trial of the case is likely to take considerable time and no fruitful purpose will be served by keeping him behind the bars. The petitioner prays for concession of regular bail. The petitioner undertakes to abide by all conditions imposed by this Hon'ble Court and assures that he will not tamper with evidence, influence witnesses, or abscond during trial.

3. On the other hand, learned State counsel appearing on advance notice, vehemently opposes the prayer for grant of regular bail to the petitioner as well as the contention raised by learned counsel for the petitioner, by submitting that the petitioner is resident of other district, as out of the jurisdiction of the trial Court and if he is released on bail, he will certainly fly away from the process of justice.



4. Heard.

5. Keeping in view the facts of the present case and the submissions of learned counsel for the petitioner that the petitioner is in custody for the last about 04 months and investigation in the matter has already been completed and also the fact that the offences are triable by the Judicial Magistrate Ist Class and there is no material on file that he is involved in another criminal activities except the present one; the trial would take sufficient long time to conclude; concession of bail cannot be denied just as a measure of punishment; as bail is a rule and jail is an execution, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

03.09.2025
Anjal

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No