



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43501 of 2025

Date of Decision: 18.08.2025

Kamal Kumar alias Lambu alias Sunny

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Amit Sharma, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. The instant petition is the first petition filed by the petitioner for regular bail. The petitioner is facing trial for the commission of offences punishable under Sections 379B(2), 506 read with Section 34, 411 and 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Section 25 of the Arms Act, Police Station Division No.2, District Ludhiana. The above said trial has been initiated pursuant to investigation in a case arising out of FIR No. 110 dated 15.07.2023, Police Station Division No.2, District Ludhiana.

2. Succinctly, the FIR of this case came into being in view of the statement of Sanjogita who had informed the police, by virtue of her statement, that she was working in the shop, named as Shivam Telecom, situated in shop No. 16, Janakpuri, Ludhiana. According to complainant, on 15.07.2023 at about 2.30 P.M. when owner of the shop was not there, three persons with muffled face entered the shop, threatened her on gunpoint and

snatched the cash worth ₹2,00,000/-, kept in the drawer. According to complainant, when she raised hue and cry for help, the accused fled from the spot.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. Rohit Bansal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent and waives service. The learned State counsel has filed custody certificate of the petitioner. The same be taken on record. However, the learned State counsel has opted not to file any reply and opposed the present petition orally

5. Heard.

6. It has been argued by learned counsel for the petitioner that the petitioner has already suffered sufficient incarceration for being in custody for a period of two years and 26 days and that investigation of this case is already complete. According to learned counsel for the petitioner, the trial of present case is not likely to be completed in near future, as majority of the witnesses are yet to be examined. As per learned counsel for the petitioner, one of the significant aspect to be noticed in the instant case is that statement of the complainant has already been recorded, as PW.1, and that the contents of her statement (Annexure P2) shows that she has not supported the prosecution case with regard to identity of the petitioner. The learned counsel for the petitioner has further argued that in view of above mentioned stand she has been declared hostile by the learned Public Prosecutor, but to no avail.

7. In addition to above, learned counsel for the petitioner has also

argued that the benefit of bail has already been accorded to the co-accused and therefore, on the ground of parity also, the petitioner is entitled to bail.

8. Per contra, the learned State counsel has argued that the offence committed by the petitioner is serious in nature; and that the petitioner does not have clear antecedents. According to the learned State counsel, if the petitioner is released on bail, he is likely to tamper with the evidence and therefore, the petitioner is not entitled to bail. However, with regard to claim of learned counsel for the petitioner, qua custody period of the petitioner, while submitting the custody certificate, the learned State counsel has not raised any objection. It has also been argued by learned State counsel that the complainant has supported the prosecution case to a large extent, i.e. with regard to commission of offence, and that it is only with regard to identity of the accused that she has failed to support the prosecution case.

9. The record of the case has been perused carefully.

10. In view of the facts and circumstances of the instant case, following are the relevant factors which need consideration:-

- i) that the accused is in custody for a period of more than two years;
- ii) that the investigation in this case is already complete and nothing is left to be recovered from the possession of the petitioner.
- iii) that trial of the case is not likely to be concluded in the near future;
- iv) that the benefit of bail has already been accorded to the co-accused .
- v) that the detention of the petitioner behind the bars is not likely to serve any purpose;

11. The perusal of sequence of events as narrated in the FIR shows

that in the instant case the offence of robbery has been committed for which no minimum sentence has been prescribed and the offence is triable by the learned Court of Judicial Magistrate. However, the police has projected the instant case as a case punishable under Section 379-B IPC, which is triable by the Court of Sessions and for which a minimum sentence has been prescribed.

12. Taking into consideration the cumulative effect of all the aforesaid facts, the petitioner is entitled for the concession of bail. Hence, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court is not available on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above said purpose, to any other Court.

12. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

August 18, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No