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2025:PHHC:134258



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

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Date of decision: September 25, 2025

Randhir Singh @ Dhira

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Ketan Chopra, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

***********SUMEET GOEL, J. (ORAL)**

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.279 dated 18.10.2020, registered for offences punishable under Sections 379-B(2) of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Salem Tabri, Ludhiana.

2. The gravamen of the FIR in question against the petitioner is that the complainant, namely, Kesar Alam stated that on 15.10.2020, he was going his home after performing his night duty, and when he reached near Ramesh Meat Shop at 1:45 p.m., then two persons came there on motorcycle, one of them armed with *datar*, who accosted him, then they

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snatched Rs.1,500/- cash, silver chain and mobile phone from the complainant and ran away on their motorcycle.

3. Learned counsel for the petitioner has iterated that the petitioner was initially arrested on 12.11.2020 in the FIR in question, whereafter, he was released on bail on 29.01.2021. Learned counsel has further iterated that the petitioner kept on appearance before the concerned Court till 29.08.2023 whereinafter, he could not cause appearance on account of his wrongful arrest in another FIR. Learned counsel has argued that the petitioner was re-arrested in the present case on 16.05.2024 and is in continuous custody since then. Learned counsel has further argued that non-appearance of the petitioner before the concerned Court *qua* the FIR in question was inadvertent and beyond his control as he stood arrested in another FIR. Learned counsel thus, argued that the petitioner has always been conducting himself in a *bona fide* manner and non-appearance before the concerned Court was not intentional, but beyond his control. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, he ought not to be extended concession of regular bail. Learned State counsel seeks to place on record the custody certificate dated 24.09.2025 in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. It is not in dispute that the petitioner was initially arrested on 12.11.2020, whereinafter, he was granted bail, on merits, *qua* the FIR in

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question on 29.01.2021; he was causing appearance before the concerned Court for a period of 2½ years; thereafter, he was re-arrested on 29.08.2023 and is in continuous custody since then. In the totality of the factual milieu of the case in hand, further detention of the petitioner is not warranted. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 24.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months and 25 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 25, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No