



CRM-M-49355-2024

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

CRM-M-49355-2024

Date of decision : 28.10.2025

Sagar @ Bobby Malhotra**....Petitioner****versus****State of Punjab****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Hitesh Chopra, Advocate and
Mr. Amit Kumar, Advocate for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.66 dated 16.09.2018, under Sections 395, 450, 307, 412, 379, 411, 216, 201 of IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Division D, District Amritsar.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Manoj Kumar. It was alleged that on 15.09.2018 at about 07:40 PM when he was doing work at the counter of his jewellery shop, 02 young persons entered the shop and asked the salesman Maninder Singh to show them one Gold Kara (bracelet). When the salesman was dealing with them, 4-5 another young boys entered the shop. They aimed the pistol on them. One of the boys pulled the DVR of CCTV and thereafter they started looting the jewellery/ornaments lying in the shop. All of them committed the dacoity in his shop of the gold weighing 08 kgs and cash of Rs.30,000/-. The request was made to take



the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the disclosure statement of co-accused Arun Kumar was recorded on 07.07.2020 who made a disclosure about the complicity of the petitioner and thus, the petitioner was also arrested as an accused. As the petitioner was already behind bars in some other cases, he was arrested in this case on the production warrants on 29.12.2022. The petitioner approached the learned Additional Sessions Judge, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 11.04.2023. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner is facing prosecution in more than 50 cases and all these cases have been planted upon him. He submits that in most of the cases, he is on bail. He submits that admittedly on the date of occurrence, the petitioner was already behind bars in other FIRs and thus, there was no occasion for him to be involved in the present case. However, it is on the basis of disclosure statement of the co-accused, the petitioner was implicated in the present case. He submits that the petitioner is behind bars since 2015, however, in the present case he was arrested on 29.12.2022 and is behind bars from last more than 02 years. He thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has produced the custody certificate of the petitioner in the Court and has submitted that the

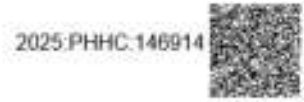


petitioner is facing prosecution in more than 55 cases and thus, he is a habitual offender. He submits that the complicity of the petitioner was found that he was part of the conspiracy while he was already in Jail. He, on instructions, has submitted that out of 42 prosecution witnesses, only 10 witnesses have been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the petitioner was behind bars on the date of occurrence, however, he has been arrayed as an accused on the basis of disclosure statement of Arun, recorded on 07.07.2020. The petitioner was arrested on the basis of production warrants on 29.12.2022. The custody certificate produced would show that the petitioner has suffered an incarceration of 02 years, 01 month and 04 days as on 27.10.2025. It further shows that the petitioner is facing prosecution in more than 55 cases, however, it would show that in number of cases he has been acquitted and in majority of the cases, he is on bail. As submitted, out of 42 prosecution witnesses, only 10 witnesses have been examined.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.



8. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

28.10.2025
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Whether speaking/reasoned

Whether reportable

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JUDGE

Yes/No

Yes/No

(RAJESH BHARDWAJ)