



CRM-M-52507-2024

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

CRM-M-52507-2024

Date of Decision: 02.04.2025

Sushil Malhotra

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.107 dated 01.09.2024 under Sections 204, 332, 305, 308, 351(2) of BNS of 2023, registered at Police Station Sarabha Nagar, District Ludhiana.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of Harish Kumar. It was alleged that on 31.08.2024, he had gone to Raikot alongwith his family to meet his parents. Mehboob Ali and his servant Suraj were present at his home. At about 2:30 p.m., Mehboob Ali informed on phone that after the complainant left the house, some unknown persons impersonating themselves as CBI officers, forcibly entered his house by showing pistol and snatched the mobile phone and started giving them beatings and forcibly searched the rooms. Thereafter, these four unknown persons escaped in a Swift car, which was parked outside the house. It was alleged that they had taken three mobile phones with them and cash of Rs.40,000/- was also found missing. It was informed by Mehboob Ali that Tamandeep @ Ginni, earlier servant of the



complainant was one of the accused. Request of was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. Complicity of the petitioner was found during the investigation and hence, he was arrested on 01.09.2024. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 26.09.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the case has been planted on the petitioner. He submits that the petitioner is 70 years of age and Tamandeep Singh @ Ginni was earlier working as driver of the complainant and as Tamandeep Singh @ Ginni had to take his salary from the complainant, hence, the petitioner was taken by his driver to the house of the complainant. He submits that the alleged occurrence took place on 31.08.2024, however, the FIR was registered on 01.09.2024 after due deliberation. He submits that the alleged occurrence was taken place in day time and there are allegations regarding beatings to both the inmates of the house, but there were no injuries caused to them and thus, the ocular version is also not medically corroborated. He submits that the petitioner has been implicated in this case on the basis of cooked up story. He submits that the petitioner has no criminal antecedents. He submits that the petitioner is behind bars from the last more than six months, however, there is no progress in the trial. He, thus, submits that 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 submitted that complicity of the petitioner was established during the investigation. It is submitted that challan has been presented and charges have also been framed, however, out of total 13 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the alleged occurrence was taken place on 30.08.2024, however, the FIR was registered on 01.09.2024. The petitioner was arrested on 01.09.2024. Challan in the present case has been presented and charges have also been framed. However, no witness has been examined out of total 13 prosecution witnesses. The custody certificate would reflect that he has suffered incarceration of 06 months & 29 days as on 01.04.2025. It further reflects that the petitioner is not involved in any other case.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

7. 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.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

	(RAJESH BHARDWAJ)	
	JUDGE	
02.04.2025	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No