

284-CRM-M-58972-2024

2025.PHHC:010499



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

CRM-M-58972-2024

Date of decision: 23.01.2025

Rahul Kumar @ Rofi

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rahul Aggarwal, Advocate,
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

Status report dated 22.01.2025, filed in the form of affidavit of Assistant Commissioner of Police, Central, Amritsar, on behalf of State-respondent is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Instant petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
48	01.03.2019	379-B, 34 IPC	Islamabad, District Police Comissionerate, Amritsar

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3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner after being nominated in case FIR (Annexure P-1) was arrested and granted concession of bail vide order dated 26.11.2019 passed by learned Additional Sessions Judge, Amritsar, in bail application No. 5679 of 2019, '*State vs. Rahul Kumar @ Rofi*' (Annexure P-2). Thereafter, he had been regularly appearing in the learned Trial court but, later, on account of his absence, he was declared as proclaimed offender in this case on 01.07.2023 (Annexure P-3) and was arrested on 09.12.2023, since then he is in custody. He contends that the petitioner is in custody on account of his absence from trial and even otherwise the only allegations against him of him having snatched Rs. 4600/- from the complainant which is manifestly wrong. Hence, the present petition.

4. *Per contra*, learned State counsel referring to the short reply (*supra*), has submitted that the petitioner has already misused the concession of bail, as such, the petitioner is not entitled for grant of concession of bail. He submitted that there are specific allegations against the petitioner along with co-accused namely Lakhbir Singh @ Lakhwinder Singh @ Lucky @ Hanera, having snatched the amount of Rs.4600/- from the complainant forcibly on the fateful day.

5. Considering the specific submissions and perusing the record, it is not disputed that the petitioner was earlier granted bail vide order dated 26.11.2019 in the instant FIR and it was on account of his

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absence that he was declared as proclaimed offender and his bail was cancelled. Admittedly the petitioner was arrested on 09.12.2023 and since then he is in custody. The allegations against the petitioner and his co-accused (*supra*) pertains to alleged snatching of Rs. 4600/- from the complainant on the fateful day. However, no recovery has been effected from the petitioner consequent upon his arrest; challan has already been presented in the court wherein the prosecution has cited 09 witnesses and till date only one witness has been examined; admittedly, the petitioner is in custody in the present case as of now only on account of having absented from the proceedings, the conclusion of trial to ascertain the criminal liability, if any, will take sufficient long time, in these circumstances, as observed, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial.

6. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court

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qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

23.01.2025
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |