



CRM-M-60522-2025 (O&M) -1-

(236) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60522-2025 (O&M)
Date of decision : 22.12.2025

SURAJ KUMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Piyush Setia, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* “BNSS”) seeking grant of regular bail in case arising out of FIR No.20 dated 25.02.2025 registered under Sections 331(4), 305, 46 and 317(2) of Bharatiya Nyaya Sanhita, 2023 (*for short* “BNS”) registered at Police Station City 2 Abohar, District Fazilka.

2. The aforementioned FIR was registered on the basis of a statement recorded by complainant Kulbhushan Sharma alleging that on the intervening night of 24.02.2025, theft of gold and silver ornaments and cash amount of Rs.70,000/- was committed from his house after breaking open the locker of the almirach by some unknown person. He had also checked the CCTV footage and found a young man to be

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climbing over the wall. A phone of Jio Bharat make was also found lying in the roof of his house. The complainant alleged that after some time someone had called on the said phone and had disclosed his name as Suraj Kumar and had told him that his phone had fallen somewhere during the night. The above-said person i.e. the petitioner was called by the complainant at his house to collect his phone. The petitioner reached there alongwith his mother, who admitted that the petitioner had committed theft in their house on the previous night and assured to give back the stolen articles. After registration of FIR, investigation proceedings were initiated. The petitioner was formally arrested. Recovery of stolen articles was got effected at the instance of his mother. Investigation now stands completed and the petitioner alongwith his mother is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 06.03.2025. No recovery has been effected from him. Investigation stands completed. His further incarceration would not serve any useful purpose. He is a permanent abode. He is on bail in other cases registered against him. The subject offences are triable by Magistrate. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report and custody certificate have been filed. It is argued by learned State counsel that there are serious allegations against the petitioner. He is a habitual offender, being involved in three other cases of similar nature. There are chances of his committing similar



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offences or absconding, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by the counsel for both the parties at considerable length.

6. The petitioner is in custody since 07.03.2025. The offences for which he has been booked and challaned are triable by Magistrate. The trial will obviously take time to conclude since none out of 14 witnesses has been examined, so far. The allegations prima facie make out a case for commission of aforementioned offences against the petitioner, however, this Court is of the considered opinion that pre-trial incarceration of the petitioner would not serve any useful purpose. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. It is equally well settled that the bail is the rule and jail is an exception. Taking into consideration, the above discussed facts but without meaning to make any comment on the merit of the case, this Court is of the opinion that the petitioner has made out a case for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions :-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.



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(ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) The petitioner shall appear before the learned trial Court as and when directed.

(iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

(vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone, PAN Card and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)
JUDGE**

**22.12.2025
Amit Sharma**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**