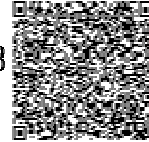


2025:PHHC:022818



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

228

CRM-M-61743-2024 (O&M)

Date of decision: 17.02.2025

Shubham @ Kalu**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Nikhil Batta, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 170 dated 24.09.2024, registered under Sections 309(4), 309(6) and 3(5) of Bharatiya Nyaya Sanhita, 2023 at Police Station Civil Lines, District Patiala.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement recorded by complainant Sunil Kumar on the allegations that he was plying a rickshaw. On 19.09.2024, the petitioner along with co-accused Bahadur Singh and Rajbir Singh hired his rickshaw for a sum of Rs. 80/- for taking them to Police Station Civil Lines. He took them there and then to different places. They got his vehicle stopped at a deserted place at about 07:30 PM. At the same time, one youth, riding on a motorcycle, also reached there. He was armed with an iron *gandasa*. After alighting him from his rickshaw, they

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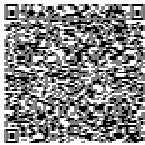


opened an assault upon him by striking blows with said *gandasa*. Thereafter, they snatched his wallet containing an amount of Rs. 3,000/-, his mobile phone, registration certificate of his rickshaw and some other documents and fled away from the spot. He somehow managed to reach hospital. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 28.09.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 05 days in reporting the matter to the police, which has not been satisfactorily explained. Only simple injuries had been sustained by the complainant. No injury had been attributed to the petitioner. Co-accused Rajbir Singh and Bahadur Singh have since been extended benefit of regular bail, vide order dated 15.01.2025 passed by the Court of learned Additional Sessions Judge, Patiala. A compromise has been arrived at between the complainant and the petitioner, which has been reduced into writing and has been placed on record as Annexure A-2. Further detention of the petitioner would not serve any useful purpose. On the grounds of parity, the petitioner too deserves the benefit of bail. Hence, it is prayed that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel has contested the petition without filing any reply to the same. It is submitted by him that there are serious allegations against the petitioner. He was named in the FIR. There are chances of the petitioner's committing similar offences, if released on bail. Therefore, he has argued that the present petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.
6. The petitioner along with co-accused is alleged to have snatched an amount of Rs. 3,000/-, mobile phone, registration certificate of his e-rickshaw and some other documents from the complainant on 19.09.2024 after assaulting him and causing injuries to him. The petitioner is in custody since 28.09.2024. Investigation has since been completed. Challan has been presented. Similarly situated co-accused Bahadur Singh and Rajbir Singh have already been granted concession of regular bail, as mentioned above. Even otherwise, further detention of the petitioner would not serve any useful purpose. It is well settled law that the bail is rule and the jail is an exception. Keeping in view the aforesaid facts circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

17.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No