



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-60350-2025 (O&M)
Date of decision: 08.12.2025

Himanshu

....Petitioner

Versus

State of Punjab

...Respondent

Sawan @ Sawan Kumar

CRM-M-62330-2025 (O&M)

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anil Kumar Garg, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. These cases are disposed of by this common order as they arise out of the same FIR.
2. Prayer in the present petitions filed under Section 483 BNSS is for grant of regular bail to the petitioners in case FIR No.22 dated 12.02.2025, registered under Sections 307 and 3(5) of BNS at Police Station Moti Nagar, District Police Commissionerate, Ludhiana in which Section 238 BNS added later on.
3. Learned counsel contends that the petitioners have been in custody for more than 4 months. They allege false implication. It is only on account of



their involvement in FIR No.181 dated 22.07.2025 that they came to be implicated in this case and 2 more by recording their confessional statements. No allegations against them of inflicting any injury. Challan was presented on 03.10.2025; charges have been framed on 02.12.2025 and in all there are 8 prosecution witnesses. In the other cases pending against the petitioners, they are on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

4. The custody certificates dated 07.12.2025, filed by the learned State counsel are taken on record. As per the same, the petitioners are behind bars for 4 months and 2 days.

5. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner-Sawan Kumar of having snatched Rs.11,000/-. However, he is unable to controvert the submissions with regard to stage and the petitioners being on bail in other cases.

6. Heard.

7. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors



by themselves cannot be the basis for refusal of prayer for bail.”

8. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 4 months and 2 days; on bail in other cases; challan stands presented on 03.10.2025 and charges were framed on 02.12.2025, however, prosecution evidence is yet to commence and therefore, the trial is likely to take a considerable time, further incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, the present petitions are allowed.

9. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse his liberty.
- (vii) The petitioners shall furnish their address and mobile number by way of affidavit/s to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.



- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

12. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

08.12.2025
M.Kamra

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