

**CRM-M-277-2025 (O&M)****-1-****216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-277-2025 (O&M)
Date of Decision: 14.01.2025****SUNIL KUMAR****...Petitioner****V/S****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 of Cr.P.C. read with Section 483 of BNSS seeking grant of regular bail to the petitioner in case bearing FIR No. 144 dated 11.12.2023 registered under Sections 379-B(2), 380, 457/34 of Indian Penal Code at Police Station Koom Kalan, District Ludhiana.

2. As per the allegations appearing on the record, the case was registered against the petitioner on the statement of Rajesh Kumar to the effect that on 11.12.2023 at about 9.00 PM he was present in his Karyana shop and Gaggi of his Village was also present there. In the mean time, four persons who were in muffled face and armed with deadly weapons suddenly entered his shop and started beating them. They put them under the fear of weapons and took out all the sale of his shop from the 'Galla' and thereafter they fled away on motorcycles without number plates. On the basis of this statement, FIR was registered against unknown persons.



3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and petitioner was not named in the FIR(supra) and no injury has been caused to the complainant by the alleged assailants. Although, there are allegations that they were armed with weapons. Nothing incriminating has been recovered from the possession of the petitioner. Further the petitioner was not known to the complainant or the investigating officer, yet to establish the identity of the petitioner as one of the assailants, the test identification parade has not been conducted. The petitioner has been implicated in other cases just to solve the un-traced cases.

4. Per contra, learned State counsel filed the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was duly identified by the petitioner and he is habitual offender and petitioner along with his co-accused have committed heinous offences. However, he could not controvert the fact that petitioner is behind the bars since 11.01.2024.

5. Having heard the learned counsel for the parties and after perusing the custody certificate, it transpires that petitioner is behind the bars since for 01 year 02 days as on 13.01.2025 and out of total 09 prosecution witnesses, none has been examined so far, therefore, the trial of the case shall take considerable long time to conclude. Culpability, if any, would be determined at the time of the trial. In view of the ratio of law laid down by Hon'ble Supreme Court in ***Prabhakar Tiwari Vs. State of UP***

and Anr. 2020(1) RCR (Criminal) 831 and Maulana Mohd. Amir

Rashadi Vs. State of U.P. and Others 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

6. In view of the above, the present petition is allowed and the petitioner-Sunil Kumar is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

14.01.2025
Ajay Goswami

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