

2025:PHHC:171989



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

259

**CRM-46742-2025 and
CRM-46743-2025 in/and
CRM-M No.65472 of 2025
Date of Decision: 09.12.2025**

Gurpreet Singh alias Gopi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dhawaljeet Dutta, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State

MANISHA BATRA, J. (Oral)

CRM-46742-2025

The application is allowed, as prayed for subject to just
exceptions.

CRM-46743-2025

The application is allowed, as prayed for.

Leave granted.

2025:PHHC:171989



Main Case

1. At the very outset, learned counsel for the petitioner submits that due to some inadvertent typing mistake, in the head note of the petition, it is mentioned that instant one is the first petition for grant of regular bail whereas it is the second one. On his oral request, correction in the head note of the petition is ordered to be made and it is considered to be the second petition as filed by the petitioner. His first petition has been dismissed as withdrawn.

2. The petitioner is seeking indulgence of this Court by filing the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail in case arising out of FIR No.52 dated 29.03.2024 registered under Sections 392, 342, 506, 395, 451, 452, 411 and 120-B of IPC and Section 25 of Arms Act, 1959 at Police Station Ajnala, District Amritsar Rural.

3. The aforementioned FIR was registered on the basis of a complaint filed by the complainant Surinderpal Sehgal alleging that in the morning of 29.03.2024, he had taken out his scooter from his house and parked it outside. He was going towards his house after bringing the keys when he was caught hold of by three youths who were having their faces covered. They pulled him inside his house, bolted the main door and started demanding keys of the almirahs from him. They closed the mouth of his wife Veena with a tape and tied his limbs. One of them pointed a pistol

2025:PHHC:171989



towards him and threatened to kill them, if they resisted. They broke open the lock of the almirahs kept in the house, took out cash amount of Rs.15-16 lakhs and gold jewellery kept therein and after ransacking his entire house, left while extending threats to them. After registration of FIR, investigation proceedings were initiated.

4. As per the further allegations, during investigation, a secret information was received that the petitioner along with the co-accused Pawan Sharma, Ashok Kumar and Naresh Kumar was involved in the occurrence. They were nominated as accused. They were arrested on 02.04.2024. Recovery of total cash amount of Rs.11,70,000/- out of the looted money has been effected from them in pursuance of disclosure statements suffered by them. Monika Sharma was nominated as an additional accused on the basis of disclosure statement of accused Pawan Sharma. She got recovered gold ornaments taken away from the house of the complainant. Investigation now stands completed.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. A false recovery of Rs.2.9 lakhs has been planted upon him. He is in custody for a period of more than 01 year and 07 months. He has clean antecedents. His continued detention would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

6. Per contra, learned Assistant Advocate General, Punjab has

2025:PHHC:171989



argued that the allegations against the petitioner are serious in nature. There are chances of petitioner's intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to be a part of conspiracy that was hatched along with the co-accused to commit offence of robbery/dacoity at the house of the complainant. An amount of Rs.2.9 lakhs had been recovered from him. However, it is only on thorough assessment of the evidence produced during trial that any conclusion can be drawn that the aforementioned amount was part of the looted money or not. The petitioner has remained in custody for a period of over 01 year and 07 months. The material witnesses have since been examined. There are no chances of petitioner's intimidating them. However, only 04 out of 23 witnesses have been examined and, therefore, it is obvious that there are no chances of conclusion of the trial in near future. Further incarceration of the petitioner will not serve any purpose. The well settled proposition of law is that the incarceration during trial should not be replica of post conviction sentencing. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject

CRM-46742-2025 and
CRM-46743-2025 in/and
CRM-M No.65472 of 2025

-5-

2025:PHHC:171989



to his furnishing personal as well as surety bonds to the satisfaction of
learned trial Court/CJM/Duty Magistrate concerned.

09.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No