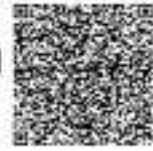


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

249

CRM-M-66799-2025 (O&M)

Date of decision: 11.12.2025

Navnath Tanhaji Misal @ Rotan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amandeep Singh, Advocate
For the petitioner.

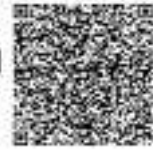
Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 24 dated 09.04.2025, registered under Sections 305, 331(3) and 317(2) of BNS, 2023 at Police Station Division No. 4, District Ludhiana.

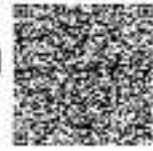
2. The aforementioned FIR was registered on the basis of the statement recorded by complainant S. K. Nasim Uddin on 09.04.2025 alleging therein that he was running a jewelry business at Ludhiana and was having a shop therein, where around 15 workers were employed. On 05.04.2025, he had brought gold jewelries of 200 grams from Sirhind for the purpose of designing. On 06.04.2025, his brother had also brought 300 grams of gold from another jeweler for designing purposes. The complainant alleged that on 06.04.2025, one person came to their shop and introduced himself as S. K.

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Rajesh. He told the complainant that he had come from Kolkata for the purpose of crafting jewelry as called by them. He stayed at their shop and worked with them and crafted the jewelries. However, in the intervening night of 8/9.04.2025, by stealing gold jewelries weighing 500 grams, he left their shop. This fact was confirmed by them after watching the CCTV footage of the shop. By alleging that the above said S. K. Rajesh had stolen gold jewelries from his shop, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. During investigation, it was revealed that the jewelry had been stolen by Jinnat Sheikh, who had told his name as S. K. Rajesh. The said Jinnat Sheikh, who was in custody in connection with some other case, was joined into investigation by securing his presence by way of production warrants. On interrogation, he suffered disclosure statement admitting his involvement in the crime and further disclosed that he had sold 300 grams of stolen gold to one Ziyaul Haque Halder @ Bapi and 100 grams of gold to Rijul Islam Khandkar and could get the same recovered. Accused Ziyaul Haque Halder @ Bapi, after arrest, suffered disclosure statement, on the basis of which, the present petitioner was nominated as an accused. He was arrested on 27.10.2025. 1717 grams of gold-silver mixture and 29 grams of gold ornaments were recovered from his custody, whereas an amount of Rs. 26,730/- was recovered from accused Ziyaul Haque Halder @ Bapi. Offence under Section 317(2) of BNS, 2023 was added. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

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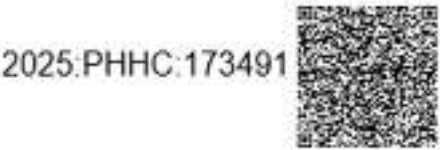
3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. A false recovery has been planted upon him. He had not purchased any gold from accused Ziyaul Haque Halder @ Bapi. Even otherwise, a compromise has been effected between the complainant and himself and the complainant has admitted that the recovered articles did not belong to him. The petitioner is in custody since 27.10.2025. The subject offences are triable by Magistrate. He is not required for further investigation. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that taking into consideration the gravity of the allegations, the petitioner does not deserve to be released on bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the submissions made by both the sides.

7. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by the co-accused. It is a matter of evidence as to whether the said disclosure can be considered to be legally admissible in evidence or not? The petitioner has placed on record Annexure P-2, which is a copy of the compromise shown to have been executed between him and the



complainant. Though, no relevance can be given to this compromise at this stage, however, taking into consideration the nature of the allegations as levelled against the petitioner, the period spent by him in incarceration and the attendant facts and circumstances of the case, this Court is of the considered opinion that a case for release of the petitioner on bail has been made out. It is well settled that the pre-trial incarceration should not be a replica of post-conviction sentencing and the sentence during trial should not be punitive. Accordingly, the petition is allowed. 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.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

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