



CRM-M-10680-2026(O&M)

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

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CRM-M-10680-2026 (O&M)
Date of decision : 16.04.2026
Date of uploading : 17.04.2026

GYAN CHAND @ SONU KUMAR**...PETITIONER****Versus****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Menka Gupta, Advocate for the petitioner.

Mr. Gaurav Gurcharan S. Rai, Sr. DAG, Punjab.

SUMEET GOEL, J. (ORAL)**CRM-12587-2026**

Having heard learned counsel for the parties and in view of the averments made in the application, same is allowed. Amended memo of parties annexed with the application is taken on record. Registry is directed to tag the same at appropriate place in the paper book.

CRM-M-10680-2026

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.102 dated 25.09.2025 under Sections 125, 62, 326, 324, 109, 3(5) of the BNS, registered at Police Station Daresi, Ludhiana, District Ludhiana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-



“Statement of one Rajinder Kumar son of Late Shri Satpal resident of House No.2512, Main Road Basti Jodhewal, Police Station, Daresi, Ludhiana. Age about 43 years, Mob:991544. It is stated that I am resident of the above said address and under my residence, there are three built up shops, out of which, I run a shop by the name Harbans Sweets and I have given second shop to Sabir on rent, in which he is doing the sale/purchase of readymade garments and third shop has been given on rent to Ajay Kumar son of Raghuvir, resident of village Thukriwala, District Hardoi, Police Station Kansipur, Uttar Pradesh, at present resident of House No.116, Gali No.02,, Rajpura Colony, Backside DMC Hospital, Police Station, Division No.08, Ludhiana, in which he is engaged in the work of Attachis and cosmetics. Yesterday, dated 24.09.2025, the time would be around 08.30/9.00 PM, Ajay Kumar came to my shop and told me that on 20.09.2025, at about 07.30 PM, a Mulla fashion person came to my shop who had tied mask on his face and had worn a cap on his head, he purchased a brief case from my shop and by paying Rs.500/- in cash, "I have yet to make more shopping and I shall take this brief case from you on my return by making the remaining payment. In the meantime, the closed card-box which was packed in a blue colour envelop and had been brought along by him, placed in my shop and said to me, this contains the children's articles, keep this here in your shop for some time. After completing shopping, I shall come and -take along these articles. I kept that box in my shop besides me, after that, the said person did not come back at the shop and his purchased brief case and card box which was wrapped in an envelop, remained lying there in my shop. At the time of closing the shop, I picked up that box in the envelop from the counter and kept behind in the shop, it was not seen after opening it as to what does it contain and today, at about 08.30 PM, the petrol smell seemed to be emanating and then he by coming to my shop, narrated the aforesaid entire story to me. Upon this, I, the President of market Honey Marwaha and other persons of the market went to the spot, where in front of all, by taking out box contained in the envelope, was checked, then out of that box, some wires, a small timepiece, something like iron covered in the plastic cover seemed to be there and the smell of petrol was felt very much. On this we intimated to the Police and the Police reached the spot, who checked that card box and during the -checking, some carry bags of petrol whose mouths were tied with the thread, one motorcycle battery, one small card box which contained yellow colour powder and there were some packets of match boxes. On looking at the said goods, it seemed that



somebody had kept this to set ablaze the shop of Ajay Kumar and my entire market and with an intention to damage all. I was going to the Police Station along with shopkeeper Ajay Kumar and market President Honey Marwaha, that you met us. Statement has been got recorded to you, listened to and understood, which is correct. Sd/- Rajinder Kumar, Affirmed Ajay Kumar (9656499231), Verified : Santokh Singh, ASI (in English), Police Station, Daresi, Ludhiana, dated 25.09.2025. Action by the Police: On 24.09.2025 at about 09.30 PM, an intimation was received by Station House Officer, Police Station that in a shop Ajay Bag Enterprises, Basti Jodhewal, Ludhiana, one unknown customer, by keeping a card box of goods packed in an envelop, went away saying that "I will take back the entire goods after sometime who did turn up. Then, on checking the above said card box by the shopkeeper Ajay Kumar and owner of the market Rajinder Kumar, and other persons, one small time piece, another plastic device and petrol packed in a plastic carry bag, were seen. On this, the Station House Officer along with me, ASI along with colleagues reached the shop Ajay Bag Enterprises, Basti Jodhewal, Ludhiana, where the shopkeeper Ajay Kumar and proprietor of the market Rajinder Kumar and other persons were present. Then in front of shop, a card box packed in a carry bag, was found, the card box was checked from which, some plastic carry bags contained petrol and the mouths of carry bags were tied with the threads, one motor cycle battery, one small time piece, some wires, match boxes and yellow colour power in one small separate card box, were found, The shopkeeper Ajay Kumar and the proprietor of the market Rajinder Kumar on the spot said, we will get our statement written later on. The articles found on the spot were covered with safety and brought to the Police Station. On return, a Rapat No.04 dated 25.09.2025 was entered in the Roznamca. Today, I,ASI along with Senior Constable Parveen Kumar No.3498/Ldh, Constable Joban Singh No.1335/Ldh., Lady Constable Arshdeep Kaur No.2348/Ldh. were present in the Police Station, then the above said Rajinder Kumar and the shopkeeper Ajay Kumar came present in the Police Station. Rajinder Singh got his aforesaid statement recorded before me and whose statement, after getting typed on my private laptop through Constable Joban Singh No.1335/Ldh., taking out print of statement, the statement was read out and made to understand, who listening to the statement, understanding it, accepting it to be true, affixed his signature in English. The statement was affirmed by the shopkeeper Ajay Kumar accompanying him. From the statement, clearly the offence is found to have been



committed under Section 125-62-326- 324(2) BNS. Upon this, for the registration of above said FIR under the above offences against the unknown persons, the instant statement is sent by hand through Lady Constable Arshdeep Kaur No.2348/Ldh. to the Moharar Head Constable, Police Station with appropriate instructions. The FIR number may be apprised after registering the FIR. Intimation to the Control Room may be given through wireless. Special reports be prepared and sent to the Illaqa Magistrate and to the senior officers. I, ASI, along with the colleagues, taking along with complainant in the case and person affirming the case, leave for the spot of incident. In jurisdiction: Police Station, Daresi, Ludhiana, Time: 05.10 PM. Santokh Singh, Police Station, Daresi, Ludhiana, dated 24.09.2025. Today on receipt of above said statement at the Police Station, aforesaid FIR has been registered under the aforesaid offences. The original statement along with copy of FIR is sent by hand through the coming L/CT to the ASI on the spot for conducting investigation. Intimation to the Control Room has been given through wireless, Rapat No.30 closed at 06.05 PM.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.09.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the co-accused, namely Mohd. Amir, had only gone to the shop in question along with the explosive item. Learned counsel has further submitted that the case of the petitioner is different from the co-accused, namely Mohd. Amir. Learned counsel has further iterated that the petitioner is a young man aged about 19 years with no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated



15.04.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 25.09.2025 wherein after investigation was carried out and challan stands presented on 24.12.2025. Total 20 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 15.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 15 days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following



conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

16.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No