

2026.PHHC.051129



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-16502-2026

Date of decision: 2nd April, 2026

Lovely Kumar @ Lovely

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anupam Mathur, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 69 dated 12.05.2024 registered under Sections 458, 379B, 323, 341, 506, 148 and 149 of IPC at Police Kotwali Nabha, District Patiala.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Sonu Kumar alleging therein that on the intervening night of 11/12.05.2024, he was sleeping in the office of New Kohli Transport, Nabha, wherein he used to work. Some other colleagues were also sleeping therein. At about 2:00 AM, 2-3 persons with muffled faces entered inside the transport office and took away the mobile phone of his colleague

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Ashok, who woke up and raised alarm, on hearing so, the complainant and his companion Santosh came out. In the meanwhile, 8-9 youths with muffled faces and armed with weapons opened an assault upon them and caused injuries to them with their respective weapons. They snatched mobile phones of Santosh and himself. They took cash amount of Rs. about 7,000/- kept in their pockets and then fled away while extending threats to kill them. The complainant was rushed to hospital for treatment. He subsequently came to know that one of the assailants was Saurabh, resident of Balmiki Basti, Nabha. After registration of FIR, investigation proceedings were initiated. Accused Saurabh was a juvenile in conflict with law. He was joined into investigation on 29.07.2024 and suffered disclosure statement on the basis of which the petitioner was nominated as an accused. He was arrested on 20.01.2026. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. The co-accused Saurabh and Biru @ Biru Singh have been granted anticipatory bail. No recovery has been effected from him. Trial will take considerable time to conclude. He is not required for further investigation. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is

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ready to argue the matter. While placing on record custody certificate of the petitioner, it is argued by him that the petitioner is a habitual offender being involved in two more cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner was not named in the FIR. No recovery has been effected from him. He is not required for further investigation as the same has been concluded. Trial will take time to conclude. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. Keeping in view the above discussed facts, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd April, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |