

CRM-M-16852-2026

2026:PHHC:052298



220

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

CRM-M-16852-2026

Abhay Aadia @ Mathi

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: April 06, 2026

Date of Uploading: April 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 439 of the Cr. P.C.) seeking grant of regular bail to the petitioner, in case bearing FIR No.0002 dated 02.01.2026, under Sections 309 (4), 3(5) of the BNS, 2023 (Section 317(2) of BNS added later on) and Sections 25, 54, 59 of the Arms Act, 1959, at Police Station Division 4, District Police Commissionerate, Ludhiana.

2. The gravamen of the FIR in question is that the complainant, namely, Moksh Sidhu, alleged that on 02.12.2025, at about 09:00 PM, he

CRM-M-16852-2026

was proceeding on his motorcycle bearing registration No.PB-91-C-6910 towards Chhauni Mohalla Petrol Pump to refuel his vehicle. When he reached the main GT Road near Peer Di Dargah, Chhauni Mohalla, a white-coloured Verna car suddenly stopped in front of his motorcycle. It is further alleged that two persons alighted from the said car, one of whom was armed with a sword and the other with a *datar*. Both persons threatened to kill him by also showing a pistol and forcibly took away his motorcycle. Thereafter, they fled from the spot in the said car along with the stolen motorcycle. Due to darkness, the complainant could not note down the registration number of the car. The complainant further alleged that on the same day, i.e., 02.12.2025, he came to know that one of the assailants, who was carrying a sword, was Rajan Sidhu @ Nanni, and the other person, who was carrying a datar, was Abhay Aadia @ Mathi (*petitioner herein*). He also stated that he did not know the identity of the third person who was sitting in the car at that time; however, he is in a position to identify him if produced before him.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 02.01.2026. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that allegations leveled against the petitioner are false and fabricated.

3.1. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further stated that after completion of investigation, the challan stands presented on 02.03.2026 and out of total 5

CRM-M-16852-2026

prosecution witnesses, none has been examined till date, hence, culmination of trial will take long. Learned counsel has further argued that the petitioner has suffered incarceration for more than 03 months, and, thus, no useful purpose would be served by keeping him behind bars further. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has opposed the grant of regular bail to the petitioner by arguing that there are serious allegations against the petitioner. Learned State counsel has argued that accused persons threatened to kill the complainant by showing pistol and forcibly took his motorcycle. Learned State counsel has submitted that after culmination of investigation, challan stands presented and out of total 5 prosecution witnesses, none (including the complainant/ victim) has been examined till date. Learned State counsel has argued that, in case, the petitioner is granted concession of regular bail, there is all likelihood that he may abscond from the process of justice as also interfere with the prosecution evidence/ witnesses. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. As per prosecution case and upon perusal of the impugned order, it is borne out that there are serious allegations against the petitioner. As per the prosecution case, the occurrence involves a planned and brazen act of robbery committed on a public road at night, wherein the complainant was wrongfully restrained and threatened with deadly weapons including a

sword, *datar*, and a pistol. The involvement of multiple accused persons clearly indicates premeditation and acting in furtherance of common intention. The motorcycle of the complainant was forcibly snatched, which reflects the gravity of the offence and the audacity of the accused. It is further submitted that the complainant has specifically named the petitioner and his another co-accused and has categorically stated that he can identify the third person who was sitting in the car in question, upon being produced before him. The role attributed to the petitioner of having armed with *datar*, being part of the offending vehicle and the commission of the crime, establishes his active participation in the occurrence. The manner in which the offence was committed in a public place poses a serious threat to public safety and order.

6.1. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must

CRM-M-16852-2026

weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

*“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) : 2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) : 2004(7) SCC 528*** : “The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- c. Prima facie satisfaction of the court in support of the charge. (see ***Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338***.”

This Court also in specific terms held that:

“the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration

already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

7. The arguments raised at bar give rise to debatable issues, which shall be ratiocinated upon during trial. As per prosecution case, total 5 prosecution witnesses have been cited and out of which, none is stated to have been examined. Even the complainant/victim is yet to be examined. Therefore, revealing that the trial is at nascent stage.

8. The allegations leveled against the petitioner are specific, grave and well defined, which *prima facie* indicate his active participation in the commission of the offence. In the considered opinion of this Court, the very magnitude, gravity and seriousness of the crime clearly disentitle the petitioner to the discretionary relief of bail. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may, *prima facie*, constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It also deserves emphasis that offences of this nature strike at the very root of public order rule of law and societal conscience. Grant of bail in such cases may send a wrong signal to society and undermine public confidence in the administration of criminal justice. Furthermore, there exists a real and tangible apprehension that if enlarged on

CRM-M-16852-2026

bail, the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses especially when several material witnesses, including the complainant/ victim, are yet to be examined and the prosecution evidence is still to unfold.

9. Considering the overall facts and circumstances, as discussed hereinabove, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail. Accordingly, the petition is, thus, devoid of merits and is hereby dismissed.

10. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

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

12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 06, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No