



CRM-M-45829-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-45829-2025
Decided on :05.02.2026

Kundan Raj @ Suraj

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rahul Rana, Advocate for the petitioner.

Mr. Iqbalpreet Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present Second petition has been filed under Section 483 of BNSS, seeking regular bail in FIR No. 79 dated 02.05.2025, under Sections 331(6), 309(4), 3(5) of BNS, 2023, registered at Police Station Salem Tabri, District Ludhiana,
2. As per the allegations, five persons committed a loot at the shop of the complainant, Surinder Singh, who runs a Karyana shop near Gurudwara Dukhniwaran Sahib, on 01.05.2025 between 9:15 p.m. and 9:30 p.m.
3. Learned counsel for the petitioner contends that it is highly unusual for allegations in such cases to involve persons already known to the complainant. The fact that FIR specifically mentions the names of all



CRM-M-45829-2025

2

five accused indicates that the FIR may have been lodged with a motivated intent against persons familiar to the complainant.

4. Learned counsel for the petitioner further submits that complainant-Surinder Singh, has not supported the prosecution's case. Considering this aspect, learned trial Court, vide orders dated 13.01.2026 and 29.01.2026, granted bail to co-accused Harjit Kumar and Ankit Kumar, respectively. Copies of these orders, produced in Court today, are taken on record.

5. Counsel also submits that another witness, Joginder Singh, has similarly not supported the prosecution's case. Paragraph No. 7 of the order dated 13.01.2026, regarding the bail of Harjit Kumar, reads as follows:

"7. After hearing the learned counsel for the applicant/accused and learned Addl. PP for the State this court is of the considered view that as per allegations, on 01.05.2025, the applicant/accused alongwith his co-accused while being armed with deadly weapons entered the shop of Surinder Singh and Joginder Singh and snatched Rs. 2 Lacs by means of deadly weapons. Record perused and as per the judicial record, the complainant Surinder Singh and eye-witness Joginder Singh have been examined. But they have not supported the prosecution case during the trial. Even the I.O. has been examined. No doubt, the earlier bail application moved by the accused/applicant was dismissed in view of the gravity of offence, but as has been stated above, the material witnesses have not supported the prosecution case resulting into change of material circumstances."

**CRM-M-45829-2025****3**

6. Learned State counsel opposes prayer for grant of bail, submitting that as per Paragraph No. 7 of the order dated 13.01.2026, while certain witnesses have not supported the prosecution case, this fact alone cannot be a ground for granting bail. Learned State counsel further submits that petitioner is alleged to have been involved in a serious offence, therefore, prays for dismissal of present petition.

7. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the status report.

8. Considering the submissions of learned counsel for the parties and the fact that co-accused—Harjit Kumar and Ankit Kumar, have already been granted bail, and the observations in Paragraph No. 7 of the order dated 13.01.2026 that certain witnesses have not supported the prosecution case, this Court finds merit in the prayer for bail. Consequently, the present petition is allowed.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



CRM-M-45829-2025

4

10. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.02.2026

Rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*