

2026.PHHC.006640



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRM-M-70935-2025

Date of decision: 19th January, 2026

Ashok Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Urvashi Singh, Advocate (Legal Aid Counsel) and
Mr. Gaurav, 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. 52 dated 29.03.2024 registered under Sections 392, 342, 506 and 120-B of IPC (Sections 395, 451, 452 and 411 of IPC at Police Station Ajnala, District Amritsar.

2. The aforementioned FIR was registered on the basis of a complaint filed by the complainant Surinderpal Sehgal alleging that in the morning of 29.03.2024, he had taken out his scooter from his house and parked it outside. He was going towards his house after bringing the keys when he was caught hold of by three youths who were having their faces

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covered. They pulled him inside his house, bolted the main door and started demanding keys of the almirahs from him. They closed the mouth of his wife Veena with a tape and tied his limbs. One of them pointed a pistol towards him and threatened to kill them, if they resisted. They broke open the lock of the almirahs kept in the house, took out cash amount of Rs.15-16 lakhs and gold jewellery kept therein and after ransacking his entire house, left while extending threats to them. After registration of FIR, investigation proceedings were initiated.

3. As per the further allegations, during investigation, a secret information was received that the petitioner along with co-accused Pawan Sharma, Gurpreet Singh and Naresh Kumar were involved in the occurrence. They were nominated as accused. All of them were arrested on 02.04.2024 and recovery of total cash amount of Rs.11,70,000/- out of the looted money had been effected from them in pursuance of the disclosure statement suffered by them. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No specific act has been attributed to him. The recovery planted upon him jointly along with the co-accused is false one and in fact no recovery has been effected at his instance. The trial will take considerable time to conclude since only 04 out of 23 prosecution witnesses have been examined so far. He is on bail in other cases registered against him. His involvement in other cases cannot be

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considered to be a ground for denying benefit of bail to him. Co-accused Amarjit Kaur has been extended benefit of bail. On parity, he too deserves to be released on bail. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner along with the co-accused is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof alleged to have committed dacoity at the house of the complainant. Trial is likely to take time as only 04 out of 24 prosecution witnesses have been examined so far. The petitioner was not named in the FIR. He is not involved in any other similar offence. He is not required for further investigation. It is well settled proposition of law that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Taking into consideration the above discussed facts but without meaning to make any comment on the merits thereof, 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

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furnishing personal/surety bonds to the satisfaction of the 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

19th January, 2026
Parveen Sharma

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