

2025:PHHC:066104



220.

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

CRM-M-25808-2025

Date of decision: 16.05.2025

Dilraj Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Surinderjit Singh Nahar, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case CHI/21/2025 pending in the Court of Sub-Divisional Judicial Magistrate, Sangrur, emanating from FIR No.0160, dated 11.11.2024, under Sections 304, 126, 115, 3(5), 109 of BNS, 2023 (Sections 61(2), 111, 238, 317(2) of BNS added lateron), registered at Police Station City Sunam, District Sangrur.

2. Learned counsel for the petitioner submits that the FIR (Annexure P-1) was registered against unknown persons with a delay of 02 days, and the said delay remains unexplained on record. It is further submitted that challan has already been presented before the Trial Court which is annexed as Annexure P-2. Learned counsel has argued that as per the case of the prosecution, 03 of the co-accused allegedly assaulted the

complainant and snatched his mobile phone and motorcycle. Thereafter, all 05 accused persons, including the petitioner, allegedly fled the scene. Learned counsel has argued that this version is inherently improbable and unreliable, particularly as it is impossible that 05 persons would have escaped on a single motorcycle.

3. Still further, it has been contended that no specific role or overt act has been attributed to the petitioner nor was any suspicion raised qua his involvement in the crime in question. Rather, the name of the petitioner surfaced solely on the basis of a statement made by the brother of the complainant, who admittedly was not even present at the scene of the incident. It is argued that such a statement, being hearsay in nature, lacks evidentiary value and does not provide any credible basis to implicate the petitioner in the instant case.

4. It has also been submitted that the petitioner stands on similar footing as co-accused, Manga Singh, who has already been granted regular bail by this Court, vide order dated 02.05.2025 (Annexure P-6). Learned counsel has submitted that challan has already been presented, and the matter is now fixed for recording of prosecution evidence. However, none of the witnesses have been examined till date and there is no indication therefore that the trial will conclude in the near future.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor the stage of the trial. It has also not been disputed, on instructions, that the complainant did not provide

any distinctive description or identifying features of the alleged assailants. It has been further conceded, on instructions, that as per own version of the prosecution, the alleged assailants had their faces muffled at the time of the incident in question.

6. On being pointedly asked, learned State counsel, on instructions, has submitted that the petitioner has no previous criminal antecedents and is not involved in any other case.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. The petitioner has been in custody since 14.11.2024. The investigation stands concluded and the final report has also been presented. The petitioner has no criminal antecedents and is not involved in any other case. The name of the petitioner has apparently surfaced at the instance of a person, who was not an eyewitness to the incident. No material has been brought to the notice of this Court by the learned State counsel that the petitioner is likely to abscond or tamper with the prosecution evidence.

9. Having regard to the totality of the circumstances, including the stage of the trial, the duration of custody, the absence of any specific role attributed to the petitioner, and the fact that a similarly situated co-accused has already been granted bail, this Court deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that

anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

May 16, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No