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

CRM-M-39014-2025 (O&M)

Date of decision: August 01, 2025

Vishal @ Lally

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Ms. Deepika Verma, Advocate for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.199 dated 24.07.2023, registered for the offences punishable under Sections 379-B(2), 148, 149 of the Indian Penal Code, 1860 (for short 'IPC') [Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') added later on], at Police Station Phillaur, District Jalandhar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"I am a resident of the above address and am employed as an accountant at Loddowal Toll Plaza. I maintain all of the accounts of cash of toll plaza and I have been employed here for the last about three months. We deposit cash of toll plaza deposited every Monday and Friday at Punjab National Bank Phillaur where we have an account of our toll plaza. Today at around 11:10 am, I along with our driver Anees, a resident of Rohtak, was going to Phillaur to deposit cash totalling Rs 23 lakh 50 thousand of our

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toll plaza in vehicle make Bolero vehicle no. PB-10-JB-6865. We were about 100 yards short of Phillaur from Jalandhar bus stand, at about 11:20a.m. a car make Breeza no. PB-36-J-9001 of white colour came from behind us and made us stop us forcibly. Two persons alighted from the vehicle, I rolled down the window pane and they asked us as to how we were driving. I was sitting on the conductor seat and they started manhandling me. Two more persons alighted from the vehicle and another person kept sitting on the driver's seat in that vehicle while engine of the car was kept running. I had kept the cash under my feet and three of them started snatching the bag containing cash from me. When I did not leave the bag containing cash, the an unknown person gave two blows with his danda on the inner side of joint of my left elbow and left wrist. hit me badly, hitting me on the inside of my knee joint and near my left wrist. One of the three said that I be shoot me and another person out of them brought out some thing from his "dubb" which lone could not see what it was, then I left the bag containing cash containing 23 lakhs 50,000 and all four of went away in the same car. All five people of them were clean shaven (mohnas). Two of those four had muffled their faces and two had not. I could not see the person who was as the driver's seat. Then both of us sat in our vehicle and returned to Toll Plaza. As I my left was in considerable pain, my driver Anees resident of Rohtak arranged for a conveyance and got me admitted in Civil Hospital Phillaur where the doctor Sahab prepared my MLR and discharged me and sent me home. Legal action should be taken against them. Statement has been made which has been read and heard over its contents which are correct. Sd/- Saudagar Singh attested by Harjinder Singh Inspector SHP Police Station Phillaur District Jalandhar (Rural) Dt. 24.07.2023."

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 04.08.2023. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner is a young man aged 24 years with no criminal antecedents. Learned counsel has further argued that total 19 prosecution witnesses have been cited, but only 01 has been examined till date; and the petitioner is languishing in gaol. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned

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State counsel seeks to place on record custody certificate dated 31.07.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 04.08.2023 whereinafter investigation was carried out and challan was presented on 07.11.2023. Total 19 prosecution witnesses have been cited, but only 01 has been examined till date. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. Co-accused, namely, Manpreet Sallan @ Monu has already been granted concession of regular bail by a co-ordinate Bench of this Court vide order dated **11.07.2025** passed in **CRM-M-35201-2025** titled as ***Manpreet Sallan @ Monu versus State of Punjab.***

6.2. As per custody certificate dated 31.07.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 years, 11 months and 21 days & is not shown to be involved in any other case/ FIR.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

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7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 01, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No