



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

308

**CRM-M No.26297 of 2025
Date of Decision: 01.08.2025**

Bikram @ Vicky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

| FIR No. | Dated | Police Station | Sections |
|----------------|--------------|--|--|
| 21 | 16.03.2025 | Rangar Nangal, Police District Batala, District Gurdaspur | 331(3) and 305 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (317(2) and 238 of BNS added later on) |

2. As per the allegations, on 13.03.2025, Rajwant Kaur wife of the complainant Major Singh had gone to the Village Gurdwara Sahib. She returned home at about 11 AM and after unlocking the door when she entered inside, she heard some noise. She found one person with a muffled face searching the almirah. On seeing him, she rushed outside and raised alarm. The said person managed to flee by jumping over the



said gate of the house. He then boarded a Platina motorbike kept in the street and fled. His wife noted the registration number of the vehicle. She informed about the incident to him. On reaching home, he found that one pair of gold earrings and cash amount of Rs.5,000/- were stolen. On his statement, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, the petitioner was traced from the registration number of the motorbike. He was arrested. The stolen earrings were recovered from him. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of three days in lodging of the FIR. His disclosure statement cannot be considered to be admissible in evidence. The alleged motorcycle was not owned by him. He was not identified by the wife of the complainant at the time of alleged occurrence. He is in custody since 16.03.2025. His further incarceration would not serve any useful purpose. The subject offences are triable by Magistrate. It is, therefore, argued that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that the petitioner is a habitual offender. There are specific allegations against him. The stolen earrings were recovered from him. There are chances of his committing similar offences or absconding if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have committed theft of gold earrings and cash amount of Rs.5,000/- from the house of the complainant.



The gold earrings are alleged to have recovered at his instance. He is in custody since 16.03.2025. The offences for which he has been booked are triable by Magistrate. His involvement in other cases cannot be a reason for denying benefit of bail to him. No useful purpose is going to be served by detaining the petitioner in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.08.2025
Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No