



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

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CRM-M-41539-2024

Date of decision: September 2nd, 2025

Sham Mandel

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Kamlesh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.91 dated 20.08.2022 under Sections 457, 380, 411, 120-B, 465, 467, 468, 471 of the IPC and Section 25 of the Arms Act, registered at Police Station Mataur, District Mohali.

2. Status report by way of affidavit of Deputy Superintendent of Police, Sub Division City-1, District S.A.S. Nagar, has been filed in Court, which is taken on record. Copy supplied to the counsel opposite.

3. Learned counsel for the petitioner has submitted that the petitioner is a victim of false implication and has been in custody since 22.09.2022. It has been urged that the FIR (Annexure P1) was registered against unknown persons regarding the burglary at the house of the complainant, during which gold ornaments, foreign currency, and a licensed firearm were allegedly stolen. The petitioner's name does not figure in the FIR.

4. It has been further contended that although the case of the

prosecution rests partly on CCTV footage, even the prosecution concedes that the petitioner is not visible in the said footage. As per the learned counsel, this fact lends further credence to his plea of false implication. It is also pointed out that the trial is progressing slowly, as only three of the 13 prosecution witnesses have been examined thus far. On this ground, coupled with the fact that certain co-accused have already been granted bail, it is argued that the petitioner also deserves the concession of bail.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Gurtej Singh, has not disputed the custody period of the petitioner or the fact that only three witnesses have been examined till date, however, he has submitted that four prosecution witnesses have already been given up and only six remain to be examined, most of whom are formal in nature.

6. Drawing attention to the status report filed today, learned State counsel has further argued that the complicity of the petitioner in the present crime is writ large. It has been highlighted that the licensed revolver of the complainant, stolen during the occurrence, was recovered from the petitioner himself. Furthermore, while the petitioner is not clearly visible in the CCTV footage, his involvement surfaced during the interrogation of co-accused Amit Kumar, who was clearly identified in the footage. Pursuant to the petitioner's own disclosure statement, stolen articles including gold, silver and diamond jewellery belonging to the complainant were also recovered from his native village in Bihar.

7. It has further been pointed out that the petitioner has a

chequered criminal history and is involved in multiple cases of heinous nature. Reference in this regard has been made to paragraph 16 of the status report. It is thus contended that enlarging the petitioner on bail would not only risk his absconding and delaying the trial but also raise a real apprehension of his indulging in similar offences again. Hence, dismissal of the petition has been prayed for.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. The allegations against the petitioner are not only serious in nature but also find *prima facie* corroboration from the recovery of the stolen, licensed firearm and other valuable jewellery belonging to the complainant, at his instance. The recovery lends direct and substantial support to the case of the prosecution. The involvement of the petitioner has further been revealed through the interrogation of his co-accused Amit Kumar, who was identified from CCTV footage.

10. Apart from the present case, the criminal antecedents of the petitioner as reflected in the status report cannot be ignored. His past conduct shows that he is no stranger to heinous crimes. In such circumstances, the apprehension expressed by the prosecution that the petitioner may abscond or again engage in criminal activity if released on bail cannot be brushed aside lightly.

11. Though it is true that the trial has not yet concluded and the petitioner has been in custody since 22.09.2022, it is equally significant that only six prosecution witnesses now remain to be examined, most of whom are formal. Thus the stage of trial does not justify the grant of bail in the face of the grave allegations and the antecedents of the petitioner.

12. Accordingly, this Court does not deem it fit to extend the concession of bail to the petitioner. The instant petition, therefore, stands dismissed.

13. 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.

14. At this stage, a request has been made by learned counsel for the petitioner for issuing appropriate directions to the trial Court for expeditious disposal of the trial since the petitioner has now been in custody for close to three years. The said request is reasonable.

15. The trial Court is, therefore, directed to make earnest efforts to expedite the proceedings and conclude the trial at the earliest preferably on or before 31.12.2025.

September 2nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No