



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

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CRM-M-11484-2025 (O&M)
Decided on : 29.04.2025

Shyam Sunder . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Shakil Sheikh, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Rahul Bansal, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Shyam Sunder	323	01.09.2024	3(5), 306, 61 of BNS, 2023 (Corresponding Sections 34, 381, 120-B of IPC)	Civil Lines, Hisar	Hisar

2. Learned counsel for the petitioner argues that petitioner is inside jail for the last more than 07 months period, as he was arrested on 16.09.2024, and nothing material could be recovered from his possession during the course of his interrogation by the police.

He also submits that all the offences are triable by the Court of Magistrate, and after completion of investigation final report u/s 173 Cr.P.C. [corresponding Section 193(1) of BNSS, 2023], has already been submitted



to the trial Court.

3. Learned counsel further submits that in a case, which is triable by the Magistrate, and there being no definite period of culmination of trial, liberty of the petitioner cannot be curtailed for indefinite period.

Therefore, he is entitled for grant of concession of regular bail.

4. On the other hand, learned State counsel as well as learned counsel for the complainant – Sarwan Kumar, argue that other co-accused of the petitioner, i.e., Payal and Aarti, are yet to be arrested. Therefore, release of the petitioner on regular bail may be more helpful to the co-accused, who are still to be arrested.

Rather, petitioner would be in a better position to destroy the evidence with the help of the non-arrested co-accused persons. Thus, they pray for declining the concession of regular bail to the petitioner.

5. After hearing the learned counsel for both parties and carefully perusing the relevant material on record with their able assistance, this Court finds no substantial reason to decline the request of the petitioner for releasing him on regular bail. Case in hand, is triable by Magistrate and the process of recording of evidence of the prosecution witnesses is yet to start.

Besides, failure of the prosecution is apparent from the fact that other two co-accused, could not be arrested by it, despite the petitioner having been inside jail for the last more than 07 months.

Otherwise also, no material recovery has been effected pertaining to the alleged stolen articles in this case, and therefore, without making any observation on the quality or standard of evidence, upon which, the prosecution seeks to build-up its case, I take note of the fact that the petitioner has been in custody for about 07 months. In given circumstances,



I find it appropriate to entertain the petitioner's plea for regular bail, as it pertains to the fundamental question of an individual's liberty.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 29, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No