

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

239

CRM-M-28893-2025

Date of decision: 8th July, 2025

Partap Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

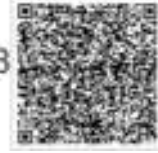
Present: Mr. Dinesh Trehan, Advocate for the petitioner.
(through video conferencing)

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 93 dated 17.06.2022 registered under Section 379-B of IPC (Section 201 of IPC added later on) at Police Station Sadar Jagraon, District Ludhiana. The bail petition bearing CRM-M- 52419-2024 previously filed by him was dismissed as withdrawn vide order dated 31.01.2025.

2. As per the allegations, on 15.06.2022, the complainant was going towards his house on his motor bike and when he reached near canal bridge, two youths while riding on a motorcycle came from behind and pushed him due to which he had fallen down alongwith his vehicle. Those youths then came to him while being armed with a *datar* and forcibly took



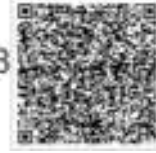
his wallet containing cash amount of Rs. 4000/- and some documents and then escaped. The complainant noted down the registration number of the motor bike as PB-29-P-1938. On his complaint, the FIR was registered, investigation proceedings were initiated. During investigation, accused Gurpreet Singh was arrested. He was identified by the complainant. In pursuance of his disclosure statement, the petitioner was nominated as an accused. He could not be apprehended. Proceedings for declaring him as a proclaimed person were initiated and he was declared as such. He was apprehended on 01.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He never received any intimation about registration of FIR and was wrongly declared a proclaimed person. He is in custody for a period of over one year and two months. Trial will take time to conclude. His further incarceration would not serve any useful purpose. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition. He has placed on record custody certificate and is ready to argue the matter. It is submitted by him that the petitioner is a habitual offender since two cases registered against him. There are chances of his absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have



been considered.

7. The petitioner along with the co-accused is alleged to have snatched the wallet of the complainant on the fateful night. He was declared a proclaimed person, but now he is in custody since 01.05.2024. Challan has been presented. Trial will take time to conclude. The registration of two other cases cannot be considered to be a ground for denying benefit of bail to the petitioner. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*

2. *Whether reportable* : *Yes / No*