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

(208)

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Date of Decision : 10.02.2025

Sunil Kumar Sony

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Harish Bhatti, Advocate and
Ms. Nidhi, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.327 dated 16.11.2021 (Annexure P-1), under Sections 307, 379-B and 34 of the IPC, 1860, (Sections 379-B and 34 of IPC were deleted and Sections 394, 395-B, 411 and 379 of IPC were added later on), and under Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Focal Point, District Police Commissionerate Ludhiana.

2. The brief facts of the case, which are culled out from the instant FIR, reads as under:-

“Statement of Navneet Kumar Srivastava S/o Parmod Kumar Srivastava R/o Near Laxmi Chowk Bahumpura District Muzzafarpur, Bihar currently residing at H. No. 2185/B-4/1-B, Sua Road, Gobindgarh, Ludhiana aged around 34 years, Mobile Phone No. 95693-99123. Stated



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that I am a resident of above said address and I have a shop in the name of Srivastav Associates in which I do the work of Money Transfer Bill payment etc. I got married to Amrita Nanda D/o Rajesh Srivastav R/o Village Chochar, District Hazipur, Vaishali Bihar 3-3½ years ago I have one girl child namely Vertika aged around 2-2½ years. On 15.11.2021 at around 9.00 PM my wife Amrita Nanda and daughter Vertika Nanda came to my shop to take some goods and I in order to shut the shop had put some important stuff in blue bag which contained One Dell Laptop, Redmi Note 5 Pro Mobile in which mobile sim No. 98553-76744 and 96086-72352, two ATM Device Micro Debit Card and Rs. 5,80,000/- was kept I was preparing to the shut the shop when some persons entered the shop and started threatening that I should give the entire goods to them otherwise they kill us. When I and my wife Amrita Nanda resisted, then one person attacked on my hand with a Daat. Then two more person came to my shop out of which one was holding a weapon and shot at me with an intention to kill the bullet hit my wife Amrita Nanda on her right thigh. They have attacked with intention to kill and took away blue bag which had One Dell Laptop, Redmi Note 5 Pro Mobile in which mobile sim No. 98553-76744 and 96086-72352, two ATM Device, Micro Debit Card and Rs. 5,80,000/-. When I tried to catch them then two persons one on motorcycle and three persons on another motor cycle tried to run away but I held the motor cycle behind due to which the motor cycle fell down and the attackers left behind the black motorcycle and ran away. These persons have attacked us with an intention to kill us and has also snatched way the above mentioned following items. Action be taken against these 5 unknown persons. Sd/- Navneet Kumar Srivastav.”



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3. The only allegation against the present petitioner is that, petitioner is the person, who has carried out *recce*, and out of Rs.10,000/- looted from the instant incident, a sum of Rs.5,200/- has been recovered from him.

4. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) Petitioner has suffered incarceration of more than 03 years and 02 months, as on today;

(ii) the name of the present petitioner was surfaced only in the disclosure statement of the co-accused, and the probative value of such disclosure is inherently weak in nature;

(iii) though the petitioner is stated to be involved in three other cases, however, in all those cases, he is on bail;

(iv) the final report under Section 173 Cr.P.C., has already been filed on dated 27.11.2024;

(v) in the final report total 23 prosecution witnesses have been cited by the prosecution, and only 05 witnesses have been examined, as on date;

(vi) the conclusion of trial will take long time;

5. Learned counsel for the petitioner submits that the petitioner was arrested on dated 04.12.2021, and the case of the petitioner is on a co-equal pedestal with the co-accused namely, Ashok Masih, Ashok Kumar and Salinder Mishra @ Hony Baba, who have already been extended the relief of regular bail, by this Court, vide orders dated 05.04.2022, 11.07.2022 and 14.08.2024 (Annexures P-2, P-3 and P-4), respectively, and the trial is yet to commence.

6. Notice of motion.

7. Mr. Sahil R. Bakshi, AAG, Punjab, waives service and accepts notice on behalf of the respondent-State of Punjab.

8. Learned State counsel has placed on record the custody certificate dated 10.02.2025, *qua* the petitioner, which is taken on record. A perusal of



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the same reveals that the petitioner has undergone incarceration of 03 years and 02 months, as on today.

9. Learned State counsel, on instructions imparted to him by the investigating officer concerned, submits that in the present case, the final report under Section 173 Cr.P.C., had already been filed on dated 02.03.2022, and charges were framed on dated 26.09.2023. He also submits that in the final report, total 23 prosecution witnesses have been cited by the prosecution, and only 05 witnesses have been examined, as on date.

10. This Court has heard the learned counsel for the parties concerned, and has gone through the entire case file.

11. At this stage, without commenting upon the merits of the present case, and considering the fact that the petitioner has already undergone incarceration of more than 03 years and 02 months, as on today, and the trial is yet to commence, coupled with the fact that co-accused namely, Ashok Masih, Ashok Kumar and Salinder Mishra @ Hony Baba, have already been extended the relief of regular bail, by this Court, vide orders (supra), therefore, this Court deems it fit and appropriate to extend the relief of regular bail to the present petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**.

12. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

13. However, it is clarified that in case, in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State, shall be at liberty to move an appropriate application seeking cancellation of regular bail, as granted by this Court.



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14. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

February 10, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No