



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

221

1)

CRM-M-14987-2025
Decided on : 25.03.2025

Badal Sisodiya

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

2)

CRM-M-14988-2025

Kanhaiya Lal and another

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Durga Dutt Sharma, Advocate,
for the petitioners.
(in CRM-M-14987-2025 & CRM-M-14988-2025).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-14987-2025 & CRM-M-14988-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-14987-2025.

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

| Name of Petitioner(s) | FIR No. | Date | Section(s) | Police Station | District |
|--|---------|------------|--|----------------|--|
| Badal Sisodiya (petitioner in CRM-M-14987- | 319 | 20.10.2024 | 303(2), 317(2), 3(5) of BNS, 2023 (Sections 317(4)/112 of BNS, | Division No.7 | District Police Commissionerate, Ludhiana, Punjab. |

| | | | | | |
|--|--|--|-----------------------|--|--|
| 2025 | | | 2023, added later on) | | |
| Kanhaiya Lal and Vishal Sisodiya @ Sonu (petitioners in CRM-M- 14988-2025) | | | | | |

2. For reference, order dated 11.12.2024 (appended as Annexure P-2 in CRM-M-14987-2025), passed by Ld. Additional Sessions Judge, Ludhiana, in case of petitioner – Badal Sisodiya, is reproduced here-under:-

“Present: Sh. Savinder Saini Addl.PP for the State.
Sh. Kamaljit Sharma Adv. for the applicant/accused.

ORDER:-

1. The instant bail application in case FIR no. 319/2024 U/s 303(2)/317(2)/3(5)/112 BNS, PS: Div. No.7, Ludhiana has been filed on behalf of the applicant/accused.

2. Upon notice, Additional Public Prosecutor appeared on behalf of State.

3. Instant FIR has been registered on the basis of secret information received by ASI Major Singh that Badal son of Krishna, Vishal @ Sonu son of Kaptan Singh and Jigar son of Ravi constituted a gang for committing theft in the marriage palaces. Badal being the head of the said gang get the theft committed from the above said persons in the marriages. Few days before, the accused persons had stolen the gold ornaments and cash from the marriage places situated in the area of Dehlon and Kohara. It was further informed that the said accused are standing back side of Vardhman factory near Vaishno Dham Mandir for selling the stolen ornaments and can be nabbed with the stolen articles. After raid, the said accused persons were arrested. One gold reckless, one gold ring, two pairs of ear rings (Jumke) were recovered from accused Badal, two bangles of silver were recovered from accused Vishal Sinsodia, 12 rings of silver were recovered from accused Kanaya Lal.

4. I have heard the Ld. counsel for the applicant/accused and Ld. Addl. Public Prosecutor for the State and have gone through the record.

5. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent and has been falsely implicated in this case. The applicant/accused contended that he has not committed any offence. The applicant/accused is in custody since their arrest. Thus, he prayed that the applicant/accused be released on bail.

6. On the other hand the learned Addl. PP for the State opposed the bail application of the applicant/accused as he has committed serious offence and prayed for dismissal of the application.

7. The applicant/accused is in custody since 20.10.2024. The recovery has already been effected in this case. Presentation of challan and conclusion of trial will take time. No useful purpose will be served on keeping them in custody and rather they will be a burden on the state exchequer So, in these circumstances the applicant/accused, is admitted to bail on his furnishing the bail bonds in the sum of 50,000/- with one ₹ surety in the like sum subject to satisfaction of Illaqa Magistrate/Duty Magistrate with the directions that the applicant/accused will not leave the country without prior permission of the court and he will not tamper with

the prosecution evidence. Instant bail application is allowed accordingly. Bail application be consigned to the record room.

*Pronounced in open court on:-
11th December, 2024*

*(Dr. Gurpreet Kaur)
Additional Sessions Judge
Ludhiana(UID PB0221)”*

Similarly, order dated 11.12.2024 (appended as Annexure P-2 in CRM-M-14988-2025), passed by Ld. Additional Sessions Judge, Ludhiana, in case of petitioners – Kanhaiya Lal and Vishal Sisodiya, is also reproduced here-under:-

*“Present: Sh. Savinder Saini Addl. PP for the State.
Sh. Kamaljit Sharma Adv. for the applicants/accused.*

ORDER:-

- 1. The instant bail application under Section 483 B.N.S.S in case 319/2024 U/s 303(2)/317(2)/3 (5)/112 BNS PS: Div. No.7, Ludhiana has been filed on behalf of the applicants/accused.*
- 2. Upon notice, Additional Public Prosecutor appeared on behalf of State.*
- 3. Instant FIR has been registered on the basis of secret information received by ASI Major Singh that Badal son of Krishna, Vishal @ Sonu son of Kaptan Singh and Jigar son of Ravi constituted a gang for committing theft in the marriage palaces. Badal being the head of the said gang get the theft committed from the above said persons in the marriages. Few days before, the accused persons had stolen the gold ornaments and cash from the marriage places situated in the area of Dehlon and Kohara. It was further informed that the said accused are standing back side of Vardhman factory near Vaishno Dham Mandir for selling the stolen ornaments and can be nabbed with the stolen articles. After raid, the said accused persons were arrested. One gold necklace, one gold ring, two pairs of ear rings (Jumke) were recovered from accused Badal, two bangles of silver were recovered from accused Vishal Sinsodia, 12 rings of silver were recovered from accused Kanaya Lal.*
- 4. I have heard the Ld. counsel for the applicants/accused and Ld. Addl. Public Prosecutor for the State and have gone through the record.*
- 5. The learned counsel for the applicants/accused has submitted that the applicants/accused are innocent and has been falsely implicated in this case. The applicants/accused contended that they have not committed any offence. The applicants/accused are in custody since their arrest. Thus, he prayed that the applicants/accused be released on bail.*
- 6. On the other hand the learned Addl. PP for the State opposed the bail application of the applicants/accused as he has committed serious offence and prayed for dismissal of the application.*
- 7. The applicants/accused are in custody since 20.10.2024. The recovery has already been effected in this case. Presentation of challan and conclusion of trial will take time. No useful purpose will be served on keeping them in custody and rather they will be a burden on the state exchequer So, in these circumstances the applicants/ accused, are admitted to bail on their furnishing the bail bonds in the sum of 50,000/- with one surety in the like ₹ sum subject to satisfaction of Illaqa*

Magistrate/Duty Magistrate with the directions that the applicants/accused will not leave the country without prior permission of the court and they will not tamper with the prosecution evidence. Instant bail application is allowed accordingly. Bail application be consigned to the record room.

*Pronounced in open court on:-
11th December, 2024*

*(Dr. Gurpreet Kaur)
Additional Sessions Judge
Ludhiana(UID PB0221)"*

3. Counsel for the petitioners submits that subsequently, at the time of furnishing of bail bonds, it was realized that other offences i.e. Section 317(4) and 112 of BNS, 2023, were also added, which were never the part of the bail orders, while considering the plea of bail of the petitioners before the Ld. Additional Sessions Judge, Ludhiana.

4. Counsel further submits that, in fact, the broader view of the prosecution version would remain the same, and therefore, merely by adding some sections or offences, for any technical reason, should not be the ground to deprive the petitioners to earn the fruits of bail orders.

By raising such plea, petitioners had filed application again before the Court of Sessions, but same was declined by the said Court.

Thus, counsel for the petitioners submits that considering the circumstances in the totality, plea for bail, which in fact, had been once accepted by the Court of Sessions, after considering the allegations in its entirety, need to be granted for the said subsequently added sections/offences also.

5. On the other hand, Mr. Mohit Kapoor, Sr. D.A.G., Punjab, submits that newly added sections/offences are of serious nature, and therefore, the claim of the petitioners has to be considered differently, than a normal case. However, learned State counsel could not deny that merely by adding of the offences i.e. Sections 317(4) and 112 of BNS, 2023, would not enhance the procedure of trial, rather, in both the situations, the trial is to be

conducted by the Court of learned Magistrate.

6. Considering the circumstances in its entirety, and submissions addressed by counsel for both the sides, this Court does not find any reason to decline the plea of bail to the petitioners, having been again raised by them under the newly added sections/offences.

7. Therefore, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their 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.

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

9. The observation made here-in-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.

10. **Petitions stand disposed of.**

**(SANJAY VASHISTH)
JUDGE**

March 25, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No