



CRM-M-16381-2026

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

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Date of decision : 21.04.2026

BHAJAN LAL @ JOGI

... PETITIONER

Versus

STATE OF PUNJAB

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Rajesh Kapila, Advocate for the petitioner.

Mr. Rohit Hans, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed by the petitioner seeking regular bail under Section 483 BNSS, 2023(erstwhile Section 439 Cr.P.C.), in case FIR No.41 dated 22.06.2025, under Sections 305, 331(3) of BNS, 2023 (erstwhile Sections 380 & 454 IPC), registered at Police Station Talwani Bhai, District Ferozepur.

2. The case of the prosecution is that on 21.06.2025, some unknown persons committed theft at the house of the complainant and stolen two gold sets of 3.5 tolas each, one chain of gold weighing three tolas, two karas weighing about 2.5 tolas each, two bangles weighing 1 tola each, 5-7 gold rings weighing ½ tolas, one gents kara weighing 1.5 tolas, two earnings weighing 1 tolas each and Rs.22,000 - 23,000/- in cash. The petitioner was nominated as an accused by the complainant in his supplementary statement vide rapat No.17 dated 22.11.2025, on the basis of suspicion.

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3. Learned counsel for the petitioner, however, submits that the petitioner was not named in the FIR and was arraigned as an accused on the basis of supplementary statement of the complainant which was recorded after 05 months of the alleged incident. It is submitted that the prosecution has failed to explain as to how the identity of the petitioner has been established, who had committed the alleged theft. No recovery has been effected from the petitioner and there is no incriminating material which would connect him with the alleged crime. Learned counsel also submits that the petitioner is in custody for the last more than 02 months and 29 days. Although the petitioner is involved in 15 more cases but most of them, he is on bail. He, therefore, prays for release of the petitioner on regular bail as the trial is likely to take a long time as charges are yet to be framed.

4. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 02 months and 29 days. He, upon instructions, submits that charges are yet to be framed.

5. I have heard the learned counsel for the parties and perused the record.

6. In view of the above submissions of learned counsel for the parties and keeping in view the facts that the petitioner is in custody for the last more than 02 months and 29 days, although he is stated to be involved in 15 more cases but in the present case, there is no incriminating evidence to establish his identity/presence at the place of alleged offence, no recovery has been effected from him and that the trial is likely to take a long time to conclude as charges

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are yet to be framed, therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice. Moreover, bail is rule and jail is exception.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. However, it is made clear that in case the petitioner misuses the concession of bail, the State/complainant would be at liberty to seek cancellation of his bail.

April 21, 2026
A.Kaundal

(H.S.GREWAL)
JUDGE

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