

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54067-2024
Reserved on: 09.12.2024
Pronounced on: 17.12.2024

Manpreet Singh @ Kala ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raghav Soni, Advocate for
Mr. Sandeep Kumar Bokolia, Advocate,
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	07.02.2024	Nihal Singh Wala, Distt. Moga	379-B, 341, 34 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That it is respectfully submitted that the instant case bearing FIR No.11 dated 07.02.2024 under Sections 379B, 341 and 34 IPC registered at Police Station Nihal Singh Wala, was initially registered against 03 (three) unknown accused persons, based on the statement of Complainant Sarban Singh son of Ganga Singh son of Sohan Singh, resident of Kotli Mallian, Kathu Nangal, District Amritsar wherein, the said complainant stated that he is resident of above mentioned address and he has one son and five daughters and his son Jagraj Singh had died about one year ago. Complainant further stated that now, he is working as driver for last six

months, one canter bearing registration No. PB-05AN-6755, belonging to Naurang Transport Company, Kot-Ise-Khan and he used to go to Modern Dairy Karnal (Haryana) alone, after getting the milk filled from Baani Dairy, Kot-Ise-Khan. Complainant further alleged that on 07.02.2024, at about 1.00 AM; as per his routine, after getting filled 18340 litre milk in the canter, he started from Kot Ise Khan to Karnal (Haryana) and when he reached ahead of bridge Himmatpura, on Barnala side, then driver of a Mahindra Pick Up brought his vehicle parallel to his canter and tried to waylay the vehicle of the complainant accelerated the canter and thereafter, driver of Mahindra Pick-up stopped his vehicle in front of the canter and asked him to open the window. In the meantime, three unknown persons alighted from Mahindra Pick-Up and started opening the window and after opening the window, they caught hold of the complainant Sarban Singh and with intention to snatch the vehicle, they made complainant sit on the passenger seat of the canter and after taking the canter aside, they took away milk from the canter and an amount of Rs.700/- was also snatched by them from his purse and some diesel was also taken out by them from the canter and after closing the windows, they all went away from there on their Mahindra Pick Up. Due to fear, he had taken his canter to some distance and thereafter had disclosed about the incident to the owner Ram Lubhaya, through mobile phone and on asking of the owner, he took away his canter to the centre at Fagguwala, Sangrur and had measured the milk and it was found that 1860 litre of milk and 100 litre diesel was stolen by the abovementioned 03 unknown accused persons.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“7. (A) The role of the petitioner

On 07.02 2024, accused/petitioner Manpreet Singh @ Kala along with his two associates in a Mahindra Pick Up vehicle way laid the milk tanker filled with 18340 litre milk being driven by the complainant who was going

from Kat Ise Khan to Karnal (Haryana) and reached just ahead of bridge Himmatpura, on Barnala side and all the accused including the petitioner committed snatching of 1860 litre of milk, 100 litre diesel and Rs.700/- from the driver Sarban Singh by waylaying his Milk canter No. PB-05AN-6755 took out the milk and filled it in the drums and also snatched his wallet containing Rs.700/- and also removed diesel from the tank and escaped in their Mahindra Pick Up.

(B). The evidence against the petitioner

During the investigation, scientific methods were used and the presence of the accused persons at the place of occurrence, at the relevant time was established from the mobile network tower locations of the complainant Sarban Singh and that of the accused. It is further submitted here that during the initial investigation of the case, electronic evidence has been collected and that as per the call records of the accused/petitioner, his presence is reflected at the given point of time near place of occurrence i.e. between Village Ramgarh and Barnala and even his call record tallies with the version as stated by the complainant. The occurrence is of intervening night and the call details are establishing the presence of the accused/petitioner and co-accused person near the place of occurrence during the relevant time.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. As per paragraph 7 of the bail petition, the petitioner has been in custody since 10.06.2024. As per the custody certificate dated 07.12.2024, the petitioner's total custody in this FIR is around six months.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing

bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaga Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.12.2024/Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.