

244 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37824-2025
Reserved on: 01.08.2025
Pronounced on: 21.08.2025

RAJWINDER SINGH @ LADDU ...PETITIONER
VERSUS
STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Armaan Gagneja, Advocate
for the petitioner (through V.C.).
Mr. Akshay Kumar, Asst. A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
93	30.06.2023	Sadar Sri Muktsar Sahib	380/487 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 14 of the bail application, the petitioner has no criminal antecedents. However, per para 9 of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	169	25.09.2018	323/307/506/148/149 IPC	City Muktsar Sahib
2.	174	26.06.2021	379/411 IPC	City Muktsar Sahib
3.	08	12.01.2024	452/324/323/34 IPC	Sadar Muktsar Sahib

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“That the complainant rendered his statement on 30-06- 2023 to the effect that his ancestral land is situated at Bir Sarkar at New Bypass Sangudhaun to Muktsar Sahib Road. They are cultivating their land. A room is constructed for water motor in their land. They used this room to place the tools of cultivation like Engine handle, Motor Kalsi 5hps, 4 bundles of 2.5mm cable, kahi to be used in fields, one mobile hand set make of Nokia was also kept in the room. On 20-06-2023 at 09-00 PM after completing work in his fields, the complainant locked the room and

returned to his house at Village Udaikaran. Next morning at 07-00 AM when he came back to the fields and found the room of motor was broke open and all the artisans comprising Engine handle, Motor Kalsi 5 hrs, 04 bundles of 2.5mm submersible cable, Kahis, domestic articles and Nokia hand set phone were stolen by some unknown persons. Complainant had launched hunt for the accused and came to know that the aforesaid accused i) Manpreet Singh alias Mani ii) Ramandeep Singh iii) Rajwinder Singh -Petitioner had committed the theft of their artisans on a motor cycle and Scooter Activa. Both the vehicles may be stolen as well. Complainant further claimed that Monu Kumar and Gurdit Singh aforesaid had stolen the water motors from the fields of Mandar Singh s/o Buta Singh and Pargat Singh s/o Gian Singh on 27-06-2023. Acting upon the information, the offence u/s 457/380 IPC was registered at P.S Sadar Muktar Sahib."

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR at the instance of one Gagandeep Singh and the FIR has been lodged after a delay of 10 days. The petitioner's counsel prays for bail by imposing any stringent conditions. In case, he repeats the offence or commit any offence, where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that the petitioner was granted interim bail by the trial Court but due to his ill health, he could not join investigation and his bail application was dismissed by Id. ASJ, Sri Muktsar Sahib.

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

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

"Role of the petitioner:

That from the facts came in light, the petitioner along with 5 Manpreet Singh alias Mani and Ramandeep Singh had stolen the artisans of agriculture from the field of complainant Gagandeep Singh after breaking open the motor room. Further the accused had taken away the stolen articles on a scooter and motor cycle without number plates.

REASONING:

7. FIR was registered at the instance of one Gagandeep Singh after a delay of 10 days. FIR relates to year 2023, if police wants to arrest petitioner, it was not impossible. There is no justification to deny bail in such a case as belated stage. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. 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

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. 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)	

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

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

14. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the

petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

15. ***This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the concerned 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

21.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.