



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35693 of 2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Rahul Singh @ Kala ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manish Gilhotra, Advocate for
Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
78	04.06.2024	Dinanagar, District Gurdaspur, Punjab	379, 411 IPC and Section 21(b) and 29 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 12 of the reply filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	130	13.05.2020	Under sections 379, 411 IPC	B-Div. Amritsar
2.	41	13.05.2020	Under section 379 IPC	B-Div. Amritsar
3.	22	28.01.2022	Under sections 379, 411, 34 IPC	Civil Lines, Amritsar
4.	58	01.04.2022	Under sections 399, 402 IPC	City Tarn Taran
5.	140	12.08.2023	Under sections 379-B, 411, 34 IPC	Gharinda, Amritsar

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

“4. That it is humbly submitted that the brief facts of the case are that ASI Balkar Singh of Police Station Dinanagar had sent a ruqa to SHO Police Station Dinanagar on 04.06.2024 that he along with police officials were present at 'Naka' near Sugar Mill,



Panjar on National Highway. The secret informer a information to ASI Balkar Singh that (i) Lovepreet Singh @ Bacchi son of Baldev Singh resident of Balardwal Police Station Ajnala now resident of Chabutra wala chowk Mohalla Awa Police Station Hakima Gate Amritsar, (ii) Arjun Singh alias Gora son of Parshotam Singh resident of old Chungi Tent Wali Street, Tarn Taran road Amritsar, (iii) Sachin son of Kala resident of Chabutra wala chowk Mohallaawa Police Station Hakima Gate Amritsar, (iv) Rahul Singh @ Kala son of Veeru Singh are used to stealing of mobile phones. They have stolen mobile phones of different companies from different persons in huge quantity from Railway Station Katra (J&K) and other different places and took the stolen android phones by putting in two kit bags, they are coming from Katra to Amritsar by Jai Maa bus and if the said bus coming from Pathankot Road is stopped and checked by blockade /Nakabandi at the same place then Lovepreet Singh, Arjun Singh alias Gora, Sachin and Rahul Singh alias Kala (present petitioner) can be apprehended with a large number of mobile phone of different companies as stolen from different persons. Hence, a case FIR No. 78 dated 04.06.2024 under section 379 IPC Police Station Dinanagar was registered against the Rahul Singh (present Petitioner), Lovepreet Singh, Sachin and Arjun Singh.

5. That it is humbly submitted that the afore-mentioned accused person were arrested from the spot and during the investigation, search of the bags of the said four persons was conducted. During the search 13 android mobile phones different companies were recovered from the bag of co-accused Lovepreet Singh @ Bacchi. 8 mobile phones and narcotic drugs (heroin 6 gms alongwith polythene bag) were recovered from co-accused Sahin and 1 mobile phone was recovered from conscious possession of Rahul Singh @ Kala (present Petitioner). Hence, the offence under sections 411/34 IPC and 21(b) NDPS Act were added in this case vide GD No.6 dated 04.06.2024."

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 their family.

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 :-

13. That it is humbly submitted that the present Petitioner along-with his co-accused have stolen 23 mobile phones from Railway Station Katra.

EVIDENCE AGAINST THE PETITIONER

14. That it is humbly submitted that One of the stolen mobile has been recovered from the present petitioner and the petitioner is a habitual offender as there are five other criminal cases registered against the petitioner. The true translation copy of recovery memo. is annexed herewith as Annexure R-2/T."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged

crime. The recovery from the petitioner was of one mobile, and thus, his case is on a much lower footing than the other accused.

8. Per paragraph 3 of the reply, the petitioner has been in custody since 04-06-2024. 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.

9. 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.

10. 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 Ilaqa 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.

11. 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)	

12. This order is subject to the petitioner’s complying with the following terms.
13. 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.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. 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.

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

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.