

CRM-M-38314-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38314-2024
Reserved on: 03.09.2024
Pronounced on: 11.09.2024

Amanjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
24	25.04.2024	Division No.1, District Pathankot, Punjab	379 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 12(E) of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	25	27.03.2024	379, 413 & 473 IPC	City Batala, District Gurdaspur
2	15	15.03.2024	379, 413, 34 IPC	Division No.1, Pathankot

3. The facts and allegations are being taken from the reply filed by the State, as per which, on 25th April 2024, the complainant's *Ciaz* car was stolen. Co-accused Kanwalpreet Singh, during his interrogation in another FIR, confessed before the investigator about the theft of this car in association with the petitioner and the subsequent sale of the car in Delhi to Surjit Singh.

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.

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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:

"12. It is humbly submitted that after the completion of the investigation, against the accused Kanwalpreet Singh alias Kanwaljit Singh alias Kamal the challan was prepared on 05.08.2024 and presented before the Illaqa Magistrate, Pathankot on 12.08.2024. Now the case is pending before the Court of Sh. Manav, Chief Judicial Magistrate, Pathankot and is fixed for 31.08.2024 for framing the charge against the accused Kanwalpreet Singh alias Kanwaljit Singh alias Kamal.

Role of the petitioner:-

A) It is humbly submitted that the role of the present petitioner are that the present petitioner in connivance with each other stolen the car belonging to the complainant Nishant Mahajan The allegations against the present petitioner are serious in nature.

Evidence collected against the petitioner:-

B) It is humbly submitted that the evidence against the present petitioner are that the present petitioner had played active role in the commission of the offence and the disclosure statement made by the co-accused namely Kanwalpreet Singh alias Kanwaljit Singh alias kamal is the only piece of evidence the prosecution agency has against the present petitioner at the moment. It is pertinent to mention here that the present investigation is at a very initial stage and the evidence. In FIR No. 15 dated 15.03.2024 U/S 379,413,34 IPC P.S. Division No.1, Pathankot, the accused Kanwalpreet Singh alias Kanwaljit Singh alias kamal had further made confession before the police in the said FIR bearing No. 24 dated 25.04.2024. He had confessed that he along with the present petitioner namely Amanjit Singh, who is his brother-in-law had stolen, the car bearing No. PB-06-AJ-0003 and had sold the same to Surjit Singh son of Harbans Singh resident of House No. 410, Khasra No. 22/6, Block-D, Saroop Nagar, Narela, Libaspur, Delhi. It is pertinent to mention here that the person Surjit Singh is also nominated in the present FIR."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged offence; it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, this Court is not considering the evidence at that stage but is analyzing it for the bail stage.

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. This order shall come into force from the time it is uploaded on this Court's official

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webpage.

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 and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. 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. 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.

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

(ANOOP CHITKARA)
JUDGE

11.09.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.