

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

CRM-M-39168-2024
Reserved on: 04.11.2024
Pronounced on: 12.11.2024

Karanpal Singh @ Karan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
60	18.02.2024	City Kapurthala	379/411 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. Per paragraph 12 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No	FIR No.	Date	Offenses	Police Station
1	52	1102.2024	379/411 IPC	City Kapurthala
2	81	01.10.2015	399/402 IPC	Kabirpur
3	142	27.06.2022	379/411/201 IPC	City Kapurthala

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

“1) That present FIR No.60 dated 18.02.2024, U/s 379/411 IPC was registered at PS City Kapurthala against petitioner on the statement of complainant ASI Kuldeep Singh wherein he stated that on 18.02.2024, while the police party was on patrolling in order to catch pocket snatchers the investigating officer received a secret information that the petitioner who is involved in selling of stolen motorcycles is coming towards Kapurthala Dana Mandi from the side of Kala Sanghya and if barricading is laid on Chandupur Mand Dana Mandi road Kapurthala and the vehicles are checked then he can be apprehended with stolen vehicles.

2) *That ASI Kuldeep Singh has stated that police party laid a barricading (Nakabandi) and the petitioner was apprehended and from his possession one motor cycle make Splendor without number plate was recovered and the petitioner has failed to produce any document with regard to the said motor cycle as such present FIR was registered against petitioner."*

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. 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. Per paragraph 8 of the bail petition, the petitioner has been in custody since 18.02.2024. Per the custody certificate dated 03.11.2024, the petitioner's total custody in this FIR is 08 months and 16 days. 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 further pre-trial incarceration at this stage.

7. 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.

8. 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.

9. 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)	

10. This order is subject to the petitioner's complying with the following terms.

11. 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.

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

13. 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.

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

(ANOOP CHITKARA)
JUDGE

12.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.