



CRM-M-45600-2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.45600 of 2024  
Reserved on: 16.10.2024  
Pronounced on: 29.10.2024

Gufran ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Jaswal, Advocate  
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                    | Sections                                                                      |
|---------|------------|-----------------------------------|-------------------------------------------------------------------------------|
| 256     | 13.11.2022 | Sadar Samana,<br>District Patiala | 380, 457, 411, IPC and 11 of<br>Prevention of Cruelty to<br>Animals Act, 1960 |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 13 of the bail application, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offenses                                                                 | Police Station   |
|---------|---------|------------|--------------------------------------------------------------------------|------------------|
| 1.      | 145     | 24.06.2021 | Under sections 457, 380<br>IPC                                           | Pasiana, Patiala |
| 2.      | 96      | 03.03.2021 | Under sections 380, 457,<br>IPC                                          | Pundri           |
| 3.      | 95      | 03.03.2021 | Under sections 380, 457,<br>411 IPC                                      | Pundri           |
| 4.      | 170     | 17.06.2020 | Under sections 457, 380,<br>411 IPC                                      | Kaithal Sadar    |
| 5.      | 66      | 15.07.2021 | Under sections 457, 380,<br>201 IPC                                      | Chhajali         |
| 6.      | 885     | 26.12.2020 | Under section 379 IPC                                                    | Ambala City      |
| 7.      | 271     | 21.08.2023 | Under sections 186, 332,<br>353, 307, 379, 411 IPC and<br>25 of Arms Act | Asauda           |



|     |          |            |                                                      |               |
|-----|----------|------------|------------------------------------------------------|---------------|
| 8.  | 196      | 26.07.2023 | Under sections 457, 380, 411 IPC                     | Patran        |
| 9.  | 153      | 04.08.2023 | 457, 380 IPC                                         | Sadar Nabha   |
| 10. | 112      | 25.08.2023 | Under sections 457, 380 IPC                          | Sadar Patiala |
| 11. | 330      | 21.08.2023 | Under sections 457, 380 IPC                          | Sampla        |
| 12. | 50       | 07.07.2023 | Under section 457, 380, 201 IPC                      | Mulepur       |
| 13. | 23       | 14.04.2015 | Under sections 457, 380, IPC                         | Rureke Kalan  |
| 14. | 150      | 20.09.2021 | Under sections 457, 380, 411 IPC                     | Lehra         |
| 15. | 148      | 07.04.2023 | Under sections 457, 380 IPC                          | Sampla        |
| 16. | 98       | 21.07.2023 | Under sections 457, 380 IPC                          | Shambu        |
| 17. | 12       | 13.01.2023 | Under Section 379 IPC                                | Bhawanigarh   |
| 18. | 80       | 14.07.2021 | Under sections 457, 380 IPC                          | Sadar Rajpura |
| 19. | 367      | 01.01.2019 | Under sections 307, 379, 392, 411, 506, 511, 420 IPC | Azad Nagar    |
| 20. | 287      | 01.01.2021 | Under sections 307, 414, 420, 467, 468, 471, 427 IPC | Kairana       |
| 21. | 174      | 12.05.2021 | Under sections 279, 336, 337, 427 IPC                | Madhuban      |
| 22. | 126      | 13.04.2021 | Under sections 279, 337, 338 IPC                     | Matlauda      |
| 23. | 294      | 01.01.2023 | Under sections 457, 380, 411 IPC                     | Jhajjar       |
| 24. | 231/2022 | --         | Under section 379 IPC                                | Sadar Tohana  |
| 25. | 59/2021  | --         | Under sections 457, 380 IPC                          | Munak         |
| 26. | 149/2019 | --         | Under section 379 IPC                                | Ambala Sadar  |
| 27. | 68/ 2021 | --         | Under sections 457, 380 IPC                          | Munak         |

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

*“4. That the brief facts of the case are that initially above noted case FIR No.0256 dated 13.11.2022, under Sections 457 and 380 of IPC & Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Sadar Samana, District Patiala was registered against unknown person on the basis of a statement of Jarnail Singh son of Shisha Singh (complainant), in which, he stated that he and his brother Amrik Singh have joint work and they also do agriculture work. They have kept animals in their Warra and their residence is situated at a distance of 200*



*meter in the village. On 12.11.2022, giving the fodder to his cattle, the complainant went to his house to sleep after locking the main gate of his cattle shed. On 13.11.2022 at about INDIA 5.00 AM, when the complainant went again to give fodder to the cattle, he saw that five buffaloes and one bull are missing from the Cattle Varandha. He further stated that after moving ahead he saw that one buffalo was lying dead by strangulating the neck of buffalo. Thereafter, they searched for remaining buffaloes and one bull but could not found the same and even saw a big hole in the wall. Thus, on the basis of statement of the complainant, above FIR was registered against unknown person."*

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**

*10. That the petitioner in connivance with his accomplices committed theft of five buffaloes and one Bull of the complainant by breaking the wall of his cattle shed and further one buffalo has been killed by strangulating neck with the help of rope. Thus, the offence committed by the petitioner is very serious in nature."*

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 4 of the bail petition, the petitioner has been in custody since 15.09.2023. Per the custody certificate dated 15.10.2024, the petitioner's total custody in this FIR is 01 year and 20 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.

8. 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.

9. 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.

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. 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

29.10.2024  
Sonia Puri

Whether speaking/reasoned: Yes  
Whether reportable: No.