

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51931 of 2024
Reserved on: 08.11.2024
Pronounced on: 19.11.2024

Lakhwinder Singh @ Sonu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parunjeet Singh, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
216	23.10.2023	Sadar, District Ludhiana	379-B(2) read with 34 IPC and 411 (added later on)

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 and the custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	185	24.07.2023	Under sections 380, 411, 34 IPC	Sahnewal

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

“2. That the brief facts of the case are that on 23-10-2023 complainant Sant Ram son of Badri Parshad resident of street no. 3, Block-D, Mohalla Ishar Nagar, PS Sadar, Ludhiana gave statement to the police that he is doing work in Shakshi Factory Ishar Nagar, Ludhiana. On 17-10-2023 at about 7:00 PM, he was returning to his house on cycle. When he reached in street No. 1 Mohalla Ishar Nagar, D-Block, then one motor cycle make Splendor of black colour

having one front light broken, came from his opposite side. One Sardar boy was driving the motor cycle and One clean shaven boy was sitting on the rear seat of the motor cycle. The sardar boy was armed with one dat and he gave dat blow on his left shoulder. They snatched his purse of brown colour make Armani in which there were Rs. 700/- and his Aadhar Card and then they ran away from the spot. He got his treatment from Dr. Jasbir Singh of his Mohalla. He has made enquiry about the boys and came to know that the name of sardar boy was Lakhwinder Singh @ Sonu @ Lakha son of Avtar Singh resident of Gurdwara Sahib wali street Mohalla Begoana, District Ludhiana and the other boy was Amandeep Singh @ Aman son of Nachhattar Singh resident of Street No. 2, Mohalla Guru Nanak Nagar, Ludhiana. On this statement FIR No. 216 dated 23-10-2023 u/s 379- B(2)/34 IPC was registered in PS Sadar, Ludhiana against petitioner Lakhwinder Singh @ Lakha @ Sonu and Amandeep Singh @ Aman.”

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:

“5. That the head wise reply of the orders of this Hon'ble Court is as under:-

A. That the role of the petitioner is that he along with 8 co-accused have caused injury with weapon dat on the left shoulder of the complainant and snatched from him his purse in which there were currency notes of Rs. 700/- and his Aadhar Card.

B. That the evidence against the petitioner is that the complainant has identified the petitioner and co-accused as the boys who have snatched from him the purse after causing him injury with dat. The purse having Aadhar Card of the complainant and currency note of Rs. 50/- have been recovered from co-accused. The weapon dat which was used in this case by the petitioner, has also been recovered from the petitioner at the time of his arrest.”

7. 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 7 of the bail petition, the petitioner has been in custody since 24.10.2023. Per the custody certificate dated 07.11.2024, the petitioner's total custody in this FIR is 01 year and 12 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 for 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 Ilqa 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. This order is subject to the petitioner's complying with the following terms.

12. 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.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

19.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.