

CRM-M-100-2025
Reserved on: 18.03.2025
Pronounced on: 25.03.2025

...Petitioners

State of Punjab

...Respondent

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioners.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Ishan Gupta, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
249	21.11.2024	City Sangrur, District Sangrur	406 & 120-B 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. In paragraph 22 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"...it is submitted that the brief facts of case FIR No.249 dated 21.11.2024 u/s 406, 120-B IPC, P.S. City Sangrur are that Parshant Kumar son of Surinder Kumar resident of Malkpur Bheemsa now residing Boha, Tehsil Budhlada, District Mansa submitted application bearing no. PGD No. 443375 against Sandeep Kaur wife of Bhajanpreet Singh @ Goldy Walia, Bhajanpreet Singh @ Goldy Walia residents of Prem Basti, Sangrur to the SSP, Sangrur. Inquiry into the said application was conducted by Superintendent of Police, (PBI), Sangrur who after conducting inquiry into the application submitted its report vide no. 232/5P/SP(PBI) dated

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19.10.2024 that from the entirety of facts, it has been found that the complainant Parshant Watts was working in sales and marketing in Private Company, living on rent of the ground floor room at the house of Bhajanpreet Singh alias Goldie. He used to pay Rs. 12,500/- to the owner as room rent, food and cleaning. According to the complainant, Rs.25,00,000/- was borrowed from him by the opposing party at different times. Parshant Kumar Watts filed complaint levelling Allegations that goods including 2 Geyser of V Guard Company, an inverter set of V guard and stabilizer, split AC of General Company. Utensils, a fully automatic washing machine, 2 mattress, bed sheets, 2 pillow covers, almirahs, one mobile one plus 11R, one Goldchain weight around 2 tole, one kitchen geyser, one sujata mixer, three diamond and gold nose piece (Koke), clothes, coat pants, perfume, a document bag, shoes, hair dryer, shaving machine, trolley briefcase, 2 helmets purchased and installed for 04 CCTV cameras, 01 DVR for the car safety. Hard disk, 1 installed modem all these were not returned. Therefore, in connivance with each other and keeping the goods of the complainant in their possession, both the accused had committed the offence of criminal breach of trust with the complainant for holding the said goods/house articles and for an amount of Rs.15,31,220/-. The SSP Sangrur approved the said report on 27.11.2024 and accordingly, the present FIR was registered u/s 406, 120-B against Sandeep Kaur and Bhajanpreet Singh @ Goldy Walia.”

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 PETITIONERS:

The present FIR was registered against both the present petitioners/accused on the basis of inquiry report of S.P., PBI, Sangrur on the complaint No. PGD 443375 dated 25.09.2024 moved by Parshant Watts, duly approved by the SSP, Sangrur. According to the detailed facts submitted above, it was duly substantiated that both the accused in connivance with one another have committed the offence of criminal breach of trust with the complainant for the above said articles and for an amount of Rs. 15,31,220/-. So, a specific role is attributed to the

petitioners/accused in the commission of present offence.”

REASONING:

7. Petitioner has handed over an affidavit regarding declaration of his assets, on the basis of which, they made out a case for bail to the petitioner and to afford opportunity to complainant to recover the amount in accordance with law.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. 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.

10. 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 Ilqa 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.

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 is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. 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

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the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. 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.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. 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.

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

25.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.