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CRM-M-991-2025
Date of Decision: 13.01.2025

...Petitioners

State of Punjab

...Respondent

Present: Mr. Zorawar Singh Chauhan, Advocate
for the petitioners.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
112	10.10.2022	Bilga, District Jalandhar Rural	379 IPC and 21 of Mines and Minerals (Development and Regulation) Act (Section 411 IPC added later on)

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 11 of the bail petition, the accused declares that they have no criminal antecedents.

3. Counsel for the petitioners submits that the petitioners were released on regular bail vide order dated 13.10.2022. Subsequently, report under Section 173 CrPC was filed on 22.04.2024 wherein Section 411 IPC was added. The petitioners were granted anticipatory bail in the added offence vide order dated 26.09.2024, however, it was directed that the petitioners have to appear before the court of Area Magistrate within 10 days and on their appearance, they be admitted on bail.

4. Counsel for the petitioner further submits that due to mis-communication, petitioners were unable to appear before the trial Court within 10 days and on coming to know, the petitioners filed an application for extension of time but the trial Court



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dismissed the same. Now the petitioners are ready to appear before the trial Court.

5. The State's counsel opposes bail and submits that if this Court is granting bail to the petitioners, the same shall be subject to imposition of cost(s).

6. 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 webpage.

7. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory 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 Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

8. While furnishing a personal bond, the petitioners 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)	

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

10. The petitioners are directed to join the investigation within seven days if investigation is still pending. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act (Section 23 of BSA). The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

11. The petitioners 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,



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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. Petitioners are directed to appear before the trial Court on 20.01.2025. This order is subject to payment of cost(s) of Rs.15,000/- (Rs.5000/- each) to PGI Poor Patient Welfare Fund, Chandigarh.

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

14. 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.

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

(ANOOP CHITKARA)
JUDGE

13.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.