

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-687-2025
Reserved on: 18.02.2025
Pronounced on: 28.02.2025

Amrik Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.P. Chaudhary, Advocate for
Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
87	22.04.2024	Samrala, District Khanna, Punjab	454, 380, 411, 413 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 12 of the bail petition as well as custody certificate dated 17.02.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	108	22.06.2020	21/61/85 of NDPS Act	Samrala
2	46	10.06.2023	454, 380, 411 IPC	Khamano
3	173	19.08.2023	22 of NDPS Act	Samrala
4	255	10.12.2023	27/29 of NDPS Act	Samrala
5	11	09.01.2024	454, 380 IPC	Samrala
6	48	09.03.2024	454, 380 IPC	Samrala
7	08	02.03.2024	380, 454 IPC	Kiratpur Sahib

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

“That the present FIR has been registered on the basis of statement of Ramanpreet Kaur, who stated to the effect that on 21.04.2024, she, along with her family, visited Gurdwara Tahliyana Sahib in the vehicle of Davinder Singh from their village, leaving their house locked at around

10:00 AM. Upon returning at around 05:00 PM, she noticed that the latch of the main lobby door was open, the lock of the drawer in the iron almirah, lying in the store room, was broken, and the belongings inside were scattered. The almirah in another room was also found opened, and its contents were ransacked. After checking the house, it was found that three gold rings, one set of gold tops, one set of earrings, and one gold earring were stolen from the almirah in the storeroom by unknown persons during the daytime. Upon further inquiry, the complainant came to know that motorcycle number PB-12-M-4642 was used by the unknown persons in committing the theft at her house. Hence, the present FIR was registered against 454, 380 IPC against unknown persons.”

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

That the petitioner Amrik Singh, in connivance with co-accused Dilawar Singh alias Bittu, committed theft at the complainant's house on 21.04.2024 by breaking into the house and stealing gold ornaments. He later concealed a stolen gold ring under his bed pillow and hid the motorcycle used in the commission of the offence at his residence, which were later discovered by the police authorities.”

REASONING:

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.

8. Per paragraph 10 of the bail petition, the petitioner has been in custody since 23.04.2024. Per the custody certificate dated 17.02.2025, the petitioner's total custody in this FIR is 09 months & 22 days.

9. 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.

10. 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.

11. 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.

12. 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)	

13. 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.

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

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

28.02.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.