

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2303-2025
Reserved on: 17.02.2025
Pronounced on: 20.02.2025

Shivamdeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Adesh Pal Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
71	13.09.2024	C Division, District Amritsar	304 BNS and 25/54/59 of Arms Act

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. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That it is humbly submitted that the facts of the present case FIR No. 71 dated 13.09.2024 are that on 13.09.2024, statement of the Complainant Mukesh Saini was recorded by ASI Parminder Singh, P.S. C-Division, Amritsar, wherein it was alleged that he along with his elder brother Rupesh Saini and Parveen Saini sends gold parcels of the goldsmith to other States through their Courier namely Sri Sham Parcel Service, Guru Ka Mehal Gurudwara, Amritsar. On 13.09.2024 at about 5:30PM, he while keeping different parcels of Baljit Jewellers, Ranjit Jewellers, Jassi Jewellers, Piara Singh and Boby Anmol Jewellers in his hand bag which was kept in his feet on his Activa scooter, was going towards his office through Darbar Sahib Galiara and at about 7PM, when he reached near gate of Gurudwara Mata Kaulan, Galiara then two youngsters came from his backside on black colour

motorcycle. The pillion rider of the motorcycle caught hold of handle of Aactiva scooter of the complainant and stopped it and they snatched away the bag having gold parcels forcibly which was kept in his feet on the Aactiva. The complainant tried to chase them on his Aactiva scooter but the above said persons succeeded to flee away. The complainant further stated that he can identify the above said persons, if they come before him. the actual weight of the gold is only known to the concerned jewellers, from whom he had brought the same. Therefore, based on the aforesaid statement, the present case FIR No. 71 dated 13.09.2024, under Section 304 BNS, Police Station C-Division, Amritsar was registered by ASI Parminder Singh.”

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 status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“THE ROLE OF THE PETITIONER

15. That it is submitted that the present petitioner Shivamdeep Singh has played the main and pivotal role in commission of crime. The present petitioner-accused Shivamdeep Singh along with co-accused persons Bikramjit Singh, Karanjit Singh and Jaskaran Singh @ Billu hatched the conspiracy for commission of crime. Thereafter, in pursuance to the hatched conspiracy the present petitioner-accused Shivamdeep Singh along with co-accused Bikramjit Singh had snatched bag of gold from the complainant. At the time of commission of crime, the present petitioner-accused Shivamdeep Singh was sitting of pillion seat of the motorcycle, which was being driven by the co-accused Bikramjit Singh and the present petitioner-accused Shivamdeep Singh had snatched bag of gold parcels from the complainant forcibly.”

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 2 of the bail petition, the petitioner has been in custody since 15.09.2024. Per the custody certificate dated 15.02.2025, the petitioner’s total custody in this FIR is 04 months and 25 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 for 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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

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. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. **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.**

17. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

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19. 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.

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

(ANOOP CHITKARA)
JUDGE

20.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.