

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4890-2025
Reserved on: 20.02.2025
Pronounced on: 28.02.2025

Daler Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Ramandeep Kaur, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0016	12.02.2023	Kathunangal District Amritsar Rural	379(B) IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC (now 483 BNSS, 2023) , seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Statement Bakhsdev Singh son of Satnam Singh Resident of Kathunangal Police Station Kathunangal District Amritsar aged about 39 years MO: No. 79737XXXX stated that I am a resident of the above said address. I do agricultural work. My land is Hargun Dairy Farm Kathunangal near bypass. I am running a jaggery shop on main road side in my land. I have hired three men to work on my property. I sleep there every night to guard my property. On 11.2.2023, I was going to have dinner at home at around 7.30 in the evening when I received a call from my servant Karnail Singh alias Bittu son of Channan Singh resident of Kathunangal that two unknown persons had tied his face and clothes. They are coming towards their shop and holding knives etc, who are looking suspicious. I reached at the spot. The masked persons had taken away my servant Karnail Singh alias Bittu's mobile phone company

Redmi on the tip of the dattar. I alongwith with the help of my workers and my cousin Jatinder Singh, after controlling the masked persons, we removed the cloths from their faces, then these two persons were identified as Daler Singh. Son of Hira Singh and Rahul son of Dhyan Singh Wasian Variam Nangal. People gathered on the spot, and the people who gathered on the spot started beating Daler Singh and Rahul, so they both ran away from the spot. I alongwith with my cousin Jitinder Pal Singh, son of Tarsem Singh, a resident of Kathunangal, was coming to inform you that you met us. Daler Singh and Rahul took away the mobile phone from my servant Karnail Singh alias Bittu on the top of dattar. Please take legal action against accused persons. I have written my statement to you.”

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.
6. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
7. Per paragraph 7 of the bail petition, the petitioner has been in custody since 12.02.2023. Per the custody certificate dated 19.02.2025, the petitioner’s total custody in this FIR is 02 years, 06 days.
8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie 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.
9. 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.
10. 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.
11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
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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 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
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.