

CRM-M-7463-2025
Reserved on: 01.08.2025
Pronounced on: 18.08.2025

...PETITIONER

VERSUS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Kushagra Mahajan, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
119	07.06.2024	Sadar, District Amritsar	379-B(2) IPC and later on Section 411 IPC has been added

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. Per paragraph 10 of the bail application and the short reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	114	2024	379B(2)/411/34 IPC	Sadar, Amritsar
2.	90	29.07.2024	303(2)/317(2) BNS, 2023	Sultanwind, Amritsar
3.	174	2020	354/354-D/325/341/323/341 IPC and Sections 25/27 of Arms Act	Sultanwind, Amritsar
4.	140	03.09.2018	22 NDPS Act	Sultanwind
5.	113	07.06.2023	379/411 IPC	A-Division, Amritsar

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

“That it is submitted that as per the report furnished by SHO of Police Station Sadar, Amritsar, the present case FIR No. 119 dated 07.06.2024 was registered on the basis of statement of the complainant Rajesh Sharma wherein it was alleged that on 07.06.2024 at about 6:30 PM, he was going on foot towards Batala road and when he reached near power house, Mustfabad then 06 unknown youngsters, out of which one was holding knife in his hand, surrounded him and asked him to give whatever he had with him. In the meanwhile one youngster kept

his dagger on his (complainant) neck and started searching his pockets. The above noted persons snatched his (complainant) mobile phone made Realme 8-I, colour space gray from pocket of his pant forcibly. The complainant raised alarm then the above said 06 persons ran away from the spot and the complainant also chased them but the above said 06 persons succeeded to run away. The inhabitants of the locality had told the complainant whilst running behind the above said persons that the names of the above said 06 persons are Veeru S/o Kundan Lal, Paani (present petitioner) S/o Tarsem Singh, Sawan @ Kallu S/o Jasbir Singh, Raja @ Jassar S/o Satwinder Singh, Kaka S/o Labh Singh, Karan @ Kala residents of Mustfabad, Amritsar. As the faces of the above said 06 persons were naked, hence, he can identify the above noted persons.”

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and nothing has been recovered from him. He further submits that the FIR was registered against the unknown persons. 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 para 16 of the short reply, which read as follows:

“16. That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the allegations levelled against the present petitioner Pranam Singh @ Pani are serious in nature as the present petitioner Pranam Singh @ Pani along with other co-accused persons had snatched mobile phone from the complainant whilst putting knife on his neck. The snatched mobile phone has been recovered from co-accused Mohit @ Veeru and knife used in commission of crime was recovered from co-accused Vikramjit Singh @ Vicky. The present FIR No. 119 dated 07.06.2024 (supra) was registered against the present petitioner and other co-accused persons by name and the present petitioner Pranam Singh @ Paani Kalu and co-accused persons namely Sawan Singh Kalu, Vikramjit Singh @ Vicky, Mohit @ Veeru, and Karanpreet Singh @ Karan made disclosure statements that they all along with co-accused Rajbir Singh @ Raja @ Jassar have committed crime in the present case. The present case FIR No. 119 dated 7.6.2024 is against the petitioner and other co-accused persons is now pending for trial before the Court of learned Additional Sessions Judge, Amritsar, wherein charges are yet to be framed. There is strong apprehension that the petitioner can abscond and can tamper with evidence by intimidating or influencing the prosecution witnesses, which would prejudice the trial of the case. Hence, the present petitioner is not entitled to the relief of regular bail.”

REASONING:

6. 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.

7. Per the custody certificate dated 01.08.2025, the petitioner’s total custody in this FIR is 11 months and 23 days.

8. 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.

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.

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	
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. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

15. **This bail is conditional, and the foundational condition is that if the petitioners indulge 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.**

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

18.08.2025

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Whether speaking/reasoned:	Yes
Whether reportable:	No.