

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7918-2025
Reserved on: 01.08.2025
Pronounced on: 08.08.2025

Gurprabhjeet Singh @ Prabh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Sidhu, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
60	20.07.2023	Qila Lal Singh, District Batala, Gurdaspur	379-B IPC (Sections 411, 473, 201 IPC and 379-B (2) IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court second time under Section 439 CrPC, seeking regular bail.

2. As per para 13 of the bail application and as per para 5 E of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	249	28.08.2023	379 B (2), 148, 149 IPC, 25, 27 of Arms Act	Sadar Amritsar
2.	207	28.08.2023	379 IPC	Makboolpura, Amritsar

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

“B) That, the brief facts of the case are that the present FIR was registered against unknown persons initially as per the statement of complainant Mohammad Shafait on the grounds that on 20.07.2023, he was going from Amritsar to Rajouri at Jammu & Kashmir in his Car make Breeza bearing registration no. JK-11D-3645 along with his friend. At about 4:45 AM, they halted near Zimidara Dhaba to attend the call of nature. In the meanwhile, five persons surrounded them who were armed with hockeys and two of them caused injuries to them with hockey's and took away his Car in which his documents, Rs.50,000/- in cash and other articles were also lying and they also took away their mobile phones. The aforesaid Car was recovered on the basis of secret information from one Gursewak Singh son of Bhupinder Singh on which the forged number plate was affixed. After the arrest of said Gursewak Singh, he disclosed that the present petitioner along with other accused had committed the aforesaid

snatching.”

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 his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

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

“C) That, the role of the petitioner in the present case is that initially present case was registered against unknown persons but during investigation, the present petitioner/accused was found involved in the offence of snatching in question. During interrogation the petitioner/accused had admitted that on 20.07.2023 he alongwith Gursewak Singh @Dhamaka, Gurjeet Singh @ Baba S/o Gurmukh Singh resident of Kaure PS Ghoman, District Gurdaspur, Gurpartap Singh @ Gopi S/o Sukhdev Singh, Gurpreet Singh @ Gopi S/o Sukhdev Singh resident of Lohgarh PS Khalchian District Amritsar took away the Car Breeza No.JK-11-D-3645 colour light black and gone to Chawinda Devi and damaged the number plate and affixed new number plate of No.PB66-A-6600. In the vehicle they recovered Rs.1500/-and out of which some money incurred for petrol and remaining were distributed.

D) That, the Investigating Officer ASI Narinder Singh, Police Station Qila Lal Singh had got recorded the statement of Dr.Arjan Singh of Akaal Multispeciality Hospital, Opp. Padda Petrol Pump, Near Khalsa Tiles, G.T. Road, Rayya, District Amritsar to the effect that the CBC, ECG, RFT, BTCT, Warl Mark Shanti and X ray test of patient namely Sarbjit Kaur W/o Mr. Bhagwant Singh resident of VPO Chima Bath, Tehsil Baba Bakala Sahib, District Amritsar were conducted in Akaal Hospital Rayya and the Ultrasound test was got conducted from Gill Diagnostics Gali Layalpuri Wali, G.T. Road, Rayya. As per the Ultrasound report there is need of surgery to the patient Sarabjit Kaur. Dr. Navdeep Kaur, MD, Dr. Amanjot Singh, MD, Dr. Amandeep Singh MD are schedule to be operate her on 02.06.2025. The authenticity of Annexure A-1 was also got verified and it was revealed that the same has been issued by Dr. Arjan Singh of Akaal Hospital Rayya, District Amritsar.”

REASONING:

8. 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. As per paragraph 7 of the bail petition, the petitioner has been in custody

since 03.10.2023. As per the custody certificate dated 31.07.2025, the petitioner's total custody in this FIR is 01 year, 09 months and 27 days. 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, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may 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

08.08.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.