

Dehradun Public School, Patiala aged about 42 years, Mobile number 70091xxxxx stated that I am the resident of above mentioned address, and I run shop in the name of BG telecom and electronics at Preet nagar. That yesterday, as per routine after closing the shop I returned to home then today early morning around 02:50 AM one person namely, Amrinder Singh who is residing just in front of my shop called me from his mobile number 9988340005 and informed that some persons has entered your shop. Then immediately, I left from my home, to my shop on the way near Kohli Sweets, I met police official with PCR vehicle, and I told them that some unknown person entered my shop. Then PCR police officials also came to my shop. That on arrival, I saw main shutter of shop was broken along with the glassdoor and after inspection, I found that 3 LD "32" inch were missing further 32 Mobile of Vivo Company, 6 mobile phone of One Plus company, 31 Mobile phones of Redmi Company and four PAD of Redmi Company, 16 mobile phone of Apple company out of which two mobile phone were iPhone 13, two mobile phones iPhone 16 and 11 mobile phones of iPhone 15 and other accessories including watch, headphone, CCTV camera and cash amount around Rs. 35,000/-were missing". Then I checked the CCTV footage of the camera installed at the shop and found that one Honda city car silver color came and stopped in front of my shop and three persons face covered with mask were sitting in the car out of them two person came out from said car and one of them was carrying one long iron rod, by said rod he was breaking the main shutter of shop and above said unknown thieves entered my shop around 1:30 AM and around 2:50 AM they left shop. That I am having CCTV footage and I can produce the same to you. That the above mentioned persons commit theft of my articles which is valued around Rs 50 Lakhs to 60 Lakhs. That it is requested to take appropriate legal action against the unknown thieves and my articles be returned. That on the way I met yourself at the main gate of police station. I have got recorded my statement, Same was over to me and found correct as Karanveer Singh verified SD Lakhvir Singh ASI Police Station Tripuri, Patiala dated 28.10.2024."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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:

"A. Role of the Petitioner

5. That the present Petitioner has been implicated based on

disclosure statements of co-accused Sitij Bhardwaj alias Jeetu and Himanshu Soni wherein it was admitted by the above mentioned co-accused persons that they along with the Petitioner- Sandeep Gullu committed criminal trespass and theft at the complainant Karanveer Singh's shop, B.G. Telecoms, situated in Preet Nagar, Patiala and gained entry by breaking the shutter of the shop and stole various electronic items and accessories.

B. Evidence against Petitioner

6. *That it is respectfully submitted that though present FIR was registered against the unknown persons, Sitij Bhardwaj alias Jittu S/o Vinod Bhardwaj resident of House no. 20 A, Street no. B-2, Police Station Hajipur, Janta flats, Mayur Vihar, Phase 3, New Delhi and Himanshu Soni S/o Ravinder Soni resident of House no B 26, Street no. 2, SBS Colony, Kirawal nagar, New Delhi were already in custody in another FIR no. 250 dated 10.11.2024 under section 113(3)(4)(6)/ 317(2) BNS 25,54,69 Arms Act, Police Station Kotwali, Patiala wherein, during interrogation they suffered Disclosure statements under section 27 of evidence act nominating Petitioner as co accused in the present FIR.*
7. *That it respectfully submitted that in present FIR investigation is ongoing, and recovery of the stolen items still remains pending."*

7. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

8. Petitioner has been arraigned as accused based on disclosure statement of co-accused. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked 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 custodial interrogation or the 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.

CONDITIONS:

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 Arresting Officer, and if the matter is before a Court, then the

concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/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 is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

18.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.