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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.10121 of 2025
Date of decision: 11.03.2025

Gurwinder Singh @ Gurinder Singh @ Lolu ... Petitioner

Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sukhcharan Singh Gill, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0005	05.01.2025	City Sunam, District Sangrur	303(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (317(2) of BNS added later on)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the allegations that on 01.01.2025, the complainant had parked his tempo containing readymade clothing outside his house, and some of that clothing was

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found to be stolen by some unknown persons, in the next morning. The complainant then made inquiries and came to know that the petitioner along with the co-accused had a hand in committing theft of the same and they had stolen the clothing by using an e-rickshaw belonging to accused Rahul Kumar. After registration of FIR, investigation proceedings have been initiated and are underway. The co-accused Mehul Arora @ Babla, Rahul Kumar and Gagandeep Singh @ Gagan have been arrested on 06.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of five days in lodging of the FIR. The recovery of stolen clothing has already been effected from the co-accused. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the petitioner, the petitioner does not deserve to be extended benefit of pre arrest bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have committed theft of readymade clothes which were kept by the

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complainant in a tempo vehicle for the purpose of further sale. The said readymade clothes have since been recovered at the instance of co-accused. Given the nature of the allegations, pre trial incarceration of the petitioner is not required. His involvement in other cases can also not be considered to be a ground for denying benefit of pre arrest bail. In view of the above discussed facts and circumstances, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten days;
- (ii) He shall appear before the Investigating Officer as and when called subsequently and submit all documents and details as may be called upon by him.
- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.
- (v) He shall not leave the country without prior

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permission of the trial Court.

- (vi) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for anticipatory bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

11.03.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No