



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-10686-2025
Date of Decision: 22.04.2025

Sandeep @ Fauji

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
663	03.11.2024	Samalakha, District Panipat	305, 331(4), 62 of BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 04.04.2025 filed by the State, which reads as follows:

*“3. That the prosecution case and status of investigation for the kind perusal of this Hon'ble Court in the nutshell is as under: -
(i) That on 02.11.2024, a telephonic information was received in the Police Post Haldana as regards attempt to commit theft by unknown persons at UCO Bank, Branch Patti Kalyana by breaking the wall. When the police reach the place of occurrence, bank manager informed that after checking of cash and articles in the bank, further proceedings would be carried out. There upon a complaint was made by bank manager, Satpal, with the allegations that as informed some rogue persons had entered in the bank branch for commission of theft. After seeing the CCTV footages, it is known that they had entered in the bank branch in the night of 01.11.2024 at around 2 o'clock after breaking the rear wall of the Branch. Thereafter, they attempted to break the door of the cash room. However, when the door*



was not broken, they attempted to break the wall of cash room, but they were not successful. Thereafter, they broke the handle of the door of cash room. Due to this, yesterday, the cash room door could not be opened. On account of Vishwakarma day, no mechanic or technician came. Today i.e. on 03.11.2024, after calling the technician, the door of cash room was got opened. After opening the same, it was found that all the money and valuable articles kept in the bank were safe. The wall has now been got repaired. The door of the cash room has also been got repaired.

On this complaint, the present FIR No. 663 dated 03.11.2024 under sections 305, 331(4), 62 of BNS was lodged at P.Sng TARY District Panipat. True Copy of FIR is already annexed by the petitioner Annexure P-1.”

4. Counsel for the petitioner submits that the petitioner is posted in Rashtriya Rifles (Rajput) in remote area of Jammu and Kashmir from last so many years and having unblemished career. He further submits that there is delay in lodging the present FIR as theft was taken place on 01.11.2024 but the complaint was lodged by the Manager of the bank on 03.11.2024 at 5:34 P.M. The Bank Manager stated in his statement that the door of the cash room was not broken and only evidence handed over to the police is CCTV footage of bank, in which petitioner is not visible.

5. The petitioner's counsel prays for bail by imposing any stringent conditions that in case petitioner repeats the offence then State can file an application for cancellation of bail and petitioner shall not object to that petition. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

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

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“7 That the role of the petitioner as per the disclosure statement of the co-accused Sahil and Aman is that he in conspiracy with accused Sahil Billi and Aman broke the wall of the UCO Bank, Branch Village Patti Kalyana and entered in it in order to commit theft. Thereafter, they tried to break the chest of the bank but they failed to open it. The name of the petitioner surfaced from the disclosure statement of Sahil @ Billi and Aman, Annexure R-1 and Annexure R-2. The investigation of the case found that the petitioner was the main conspirator and had planned to rob the bank with the co-accused persons. However, the petitioner at the time of joining the investigation mislead the investigation and disclosed in his questionnaire that me was only standing outside the bank and was guarding them from outside.”



REASONING:

8. The petitioner is a serving employee, the allegations are of attempt to theft in the bank, petitioner is not visible in the CCTV footage, which is the main evidence of the prosecution, as such, the petitioner is entitled for bail.

9. 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.

10. 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. 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.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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 Ilaka 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. This order is subject to the petitioner’s complying with the following terms.

14. 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.

15. 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.

16. 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.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges 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.**

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

22.04.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.