



CRM-M-11954-2025 (O&M)

106+254

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11954-2025 (O&M)

Date of Decision: 27.03.2025

**VARINDER SINGH ALIAS BARINDER SINGH ALIAS BHINDER
SINGH**

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. A.S. Khosa, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

...

SUMEET GOEL, J. (Oral)

CRM-11475-2025

The instant application has been filed under Section 528 of BNSS seeking addition of Sections 238 and 317(2) of BNS, 2023 in the head note of the main petition.

Application is allowed, as prayed for.

CRM-M-11954-2025

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.256 dated 04.12.2024, registered for the offences punishable under Sections 303(2), 338, 336(3), 340(2), 61(2), 238 and 317(2) of BNS, 2023 at Police Station City 1 Abohar, District Fazilka.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

**CRM-M-11954-2025 (O&M)**

“SHO City 1 Abohar, Jai Hind, in relation Kar Government, it is requested that today me ASI along with Snr constable Manjinder Singh No 349/Fazilka, Snr Constable Rakesh kumar No.1247/FZK, P.H.C Jai Chand No 6751 on private vehicle regarding patrolling were present near Palli Dhaba Malout road Abohar, then informer came and gave information that Soni s/o Gurcharan Singh s/o Dharam Singh r/o Pauri road Gidderbaha and Jagga Singh s/o Bachitar Singh r/o Jangi Rana District Bathinda, who stolen bikes around Abohar city and Gurpreet Singh s/o Jasveer Singh r/o Teona, who running motorcycle agency namely Teona motors at Tawandi sabo and its manager Sukhwinder Singh s/o Amarjit Singh r/o Fatehgarh Nu Abad near Talwandi Sabo are involved with them. That Soni and Jagga steal the motorcycles and take it to this place and agents involved with them, who got duplicate RCS of stolen motorcycles and forged signatures of the owner and prepared affidavits regarding sale and sold the motorcycle to the innocent people on full rate and transferred RCs on the name of other persons with the help of agents. Today above soni and Jagga on motorcycle without number plate and moving around Abohar city with stolen motorcycle and they will go back Gidderbaha by Malout road. If Naka laid down on proper place, then they will nab with stolen motorcycle. That information his strong and believable. That this act of the accused attracts the offence u/s 303(2), 338, 336(3), 340 (2), 61 (2) of BNS.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.12.2024. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question on account of his proximity with the co-accused. Learned counsel for the petitioner has iterated that, *assuming arguendo*, the allegations put up in the challan are taken to be correct and there is no allegation of stealing of any motor bike against the petitioner and the only allegation is of preparing false documents. Learned counsel for the petitioner has further argued that the petitioner is a married man and has a child, therefore, his family is suffering on account of his incarceration. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

**CRM-M-11954-2025 (O&M)**

6. The petitioner was arrested on 22.12.2024 whereinafter investigation was carried out & challan was presented on 13.02.2025. Total 17 prosecution witnesses have been cited and none has been examined till date. It is thus indubitable that the culmination of the trial, but of course, will take its own time. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 25.03.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 03 months and 03 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.

CRM-M-11954-2025 (O&M)

- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

27.03.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No