



**CRM-M-15049-2025 and
CRM-M-15682-2025**

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Sr. No.	FIR No.	Date	Offenses	Police Station
1.	73	24.08.2022	452, 323, 506, 148, 149 IPC	Khui Khera

3. The facts and allegations are being taken from the reply filed by the State in CRM-M-15049-2025, which reads as follows:

“a) That on 25.01.2025 when the police party was present at D.C.Chowk, Fazilka, a secret information was received that petitioner Mithu Singh @ Luhar son of Sunder Ram resident of Azam wala, who is habitual of stealing the motorcycles, is coming to Fazilka city by riding Hero Splender plus Silver color without number motorcycle via Jandala Kharta Link road, or selling the stolen motorcycle. If blockading is set up at Sua Bridge, Anni Delhi right now, then he can be apprehended along with the stolen motorcycle. Considering the said information to be trustworthy, initially, FIR No.14 dated 25.01.2025 was registered under Sections 303(2), 317(2) BNS, 2023 at Police Station, City, Fazilka, District Fazilka against the petitioners.

b) That after blockading information. registration of said FIR, was set up as per secret A shaven youth was seen coming who was signaled to stop, but on seeing police party, he tried to turn around, but he slipped and fell down. He was apprehended by the police. On asking, he disclosed his name as Mithu Singh Halwai (present petitioner) son of Sunder Ram resident of village Azamwala. Efforts were made to join a private witness, but no one was available. The petitioner was asked to show the documents of the said motorcycle, thereupon he told that he had stolen said motorcycle from Fazilka and today he was going to sell the same. Thereafter, the said stolen motorcycle make Hero Splender Plus bearing Chassis No.MBLHA10CGH4A11207 Engine No.HA10ERHHA10317 was taken into police custody and the petitioner/accused Mithu singh was arrested as per law.

c) That on 26.01.2025, the petitioner was produced before Ld.Court of Ilaqa Magistrate and he was sent under 02 days police remand.

d) During police remand, the petitioner revealed that he and Varinder Singh alias Bobby son of Amarjeet Singh resident of Village Azamwala, have stolen motorcycles, out of which he has hided 05 motorcycles at Jandwala Kharta link road. As per his demarcation, five more motorcycles were recovered by the police1. As per said statement of petitioner, aforesaid Varinder Singh alias Bobby was nominated as accused vide rapat No.23 dated 27.01.2025.

e) That on 27.01.2025, co-accused Varinder Singh alias Bobby was arrested. On being enquired, said accused Varinder Singh alias Bobby confessed that he and present petitioner Mithu Singh have stolen motorcycles. As per demarcation, of the said Varinder Singh alias Bobby, five stolen motorcycles were also recovered by police from said Varinder Singh alias Bobby.”



4. Counsel for the petitioner(s) submit that petitioner(s) have been falsely implicated in the present FIR. They further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, they repeat the offence or commit any offence where the sentence prescribed more than 03 years, they would have no objection, if State files an application for cancellation of their bail. They further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner(s) and their family.

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

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

"Evidence against the petitioners:

That apart from oral evidence, disclosure statements of both the petitioners and recovery of 05 stolen motorcycles from the petitioners, are sufficient incriminating evidence against the petitioners to prove their guilt.

Role of the petitioners:

That the role of the petitioners in commission of offence is that both the petitioners are indulged in stealing motorcycles and this fact has also been corroborated by the petitioners in their respective disclosure statements. Moreover, secret information was corroborated by recovery of 11 stolen motorcycles from the petitioners. Therefore, the petitioners cannot shirk their criminal liability."

REASONING:

7. Recovery of case property already effected. There is sufficient prima facie evidence connecting the petitioner(s) with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificates dated 08.04.2025, the petitioners' total custody in these FIRs are 02 months and 10 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 further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner(s) make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner(s) are not required in any other case, the petitioner(s) 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 fail to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner(s) 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)	

11. This order is subject to the petitioners' complying with the following terms.

12. The petitioner(s) shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner(s) 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.

13. ***This bail is conditional, and the foundational condition is that if the petitioner(s) indulge 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.***

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

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner(s) 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.

16. **Petitions are allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

29.04.2025
renubala

(ANOOP CHITKARA)
JUDGE

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