

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

CRM-M-16464-2025
Reserved on: 01.04.2025
Pronounced on: 08.04.2025

Rahul @ Rohit ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	12.02.2023	Kathunangal, District Amritsar	379-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 12 of the bail petition, the accused mentioned that only one case is pending against him. However, as per custody certificate dated 31.03.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	03	02.04.2022	109, 151 CrPC	Division A
2.	282	24.09.2020	452, 307, 326, 323, 148, 149 IPC	Kathunangal, Amritsar
3.	61	02.05.2021	379-B IPC	Verka, Amritsar

3. The facts and allegations are being taken from translated version of FIR (Annexure P-1), which reads as follows:

“Statement Bakhsdev Singh son of Satnam Singh Resident of Kathunangal Police Station Kathunangal District Amritsar aged about 39 years MO: No. 79737XXXX stated that I am a resident of the above said address. I do agricultural work. My land is Hargun Dairy Farm Kathunangal near bypass. I have installed a sugarcane distillery on my land near main road. There are three employees on the said distillery. I sleep there every night to guard my property. On 11.2.2023, I had gone to have a dinner at my home at about 7.30 P.M when I received a call from my servant Karnail

Singh alias Bittu son of Channan Singh resident of Kathunangal that two unknown persons with muffled face armed with dattar etc. are coming towards distillery. They are looking suspicious. I reached immediately to the spot. Where these persons attacked my servant Karnail Singh alias Bittu's and snatched his mobile phone company MI. I alongwith with my three servants and my cousin Jatinder Pal Singh son of Tarsem Singh resident of Kathunanga caught the accused persons and took off the cloth tied on their faces and these two persons were identified as Daler Singh son of Hira Singh and Rahul @ Rohit son of Dhyan Singh resident of Varyam Nangal. People gathered on the spot, and the people gathered on the spot started beating Daler Singh and Rahul @ Rohit, the accused persons managed to ran away. My servant Karnail Singh @ Bittu is very frightened by this occurrence. I along with my cousin Jatinder Pal Singh son of Tarsem Singh, resident of Kathunangal, was coming to inform you that you have met him. Daler Singh and Rahul @ Rahut have taken away the mobile phone from my servant Karnail Singh @ Bittu. Legal action should be taken against above persons."

4. The petitioner's counsel prays for bail by imposing any stringent conditions including in case petitioner repeats the offence where the sentence prescribed is more than three years, then State can file an application for cancellation of bail and petitioner shall not object to that petition. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail based on instructions.

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 07 of the bail petition, the petitioner has been in custody since 12.02.2023. Per the custody certificate dated 31.03.2025, the petitioner's total custody in this FIR is 02 years, 01 month and 18 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage

7. 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.

8. 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 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 fails to appear, such surety can produce the accused.

9. 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)	

10. This order is subject to the petitioner's complying with the following terms.

11. 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.

12. **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.**

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

14. 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.

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

(ANOOP CHITKARA)
JUDGE

08.04.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.