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CRM-M-16458-2025
215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16458-2025
Decided on: 02.07.2025

Lakhpat Rai Handa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jangveer Singh Barjana, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
141	10.07.2024	Dasuya District Hoshiarpur	331(4), 305, 317(2) of BNS 2023

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 petitioner declares the following criminal history:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1	41	11.07.2024	331(4), 305, 317(2) of BNS 2023	Hajipur District Hoshiarpur
2	99	2024	---	Jawalamukhi Dehra, District Kangra, Himachal Pradesh

3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“To, Incharge, police post Sansarpur Police Station Dasuya District



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Hoshiarpur Subject: Regarding theft at home. Sir, please, I am Suresh Kumar Rana son of Mukhtiar Singh resident of village Badla Tehsil Dasuya Mohalla Rakogia District Hoshiarpur. I have retired from the army about 3 months ago on 9/10-7-24 mid night I and my wife Rekha Devi and my son Nitish Kumar were sleeping in the bedroom of my house. When I got up on 10-7-24 at around 7 am I went to the second bedroom of my house, and I saw that the window of that bedroom adjoining the gallery of the house was barred. It was open and all the belongings were scattered, and the cupboard locker was cracked and the gold ornaments and cash in the cupboard worth 10,000 rupees have been stolen by unknown persons. The list will be presented to you after checking the gold jewellery thoroughly. Please take action against the nameless thief. Your confidant SD/ Suresh Kumar Rana 76965xxxxx, 89689xxxxx Date 10-7-2024 Action Police: Today I Jagdish Kumar ASI was at present at police post, when he received a report regarding theft in village Badla police station Dasuya district Hoshiarpur. On which I, ASI along with HC Ranjit Singh no. 1640, L/HC Amarjit Kaur No. 1923/Hushi, PHG Arin Mehta 26107, PHG Attar Singh 26252 in a private vehicle reached Village Badla Police Station Dasuya. Where Suresh Kumar Rana, son of Mukhtiar Singh, resident of Mohalla Rakegia Badla Police Station dasuya District Hoshiarpur met us. who submitted a written application to me. From the complaint, it is found that the offence under 331(4), 305 BNS. On which the original application is being sent to PHG Arin Mehta 26107 police station. By filing a case, the number should be made aware of the case. SD/ Jagdish Kumar ASI In-charge Police Station Sansarpur Police Station Dasuya District Hoshiarpur Date 10-7-2024 Today at Village Badla Time 2:20 PM Today, the said police station has registered the case by registering the original application, PHG Niyad ASI is being sent for investigation. Control room through wireless, e-mail notification is being given. Report No. 31 dated 10-07-2024.”

4. The petitioner's counsel prays for bail and submits that petitioner undertakes to fully cooperate in the investigation and he will help in recovery of stolen articles, without conceding and admitting and would live like a decent human being. He further contends



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that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel on instructions further submits that petitioner would not repeat the offence and would not involve himself in the offence where sentence is more than seven years and if he does so, he has no objection if State files application of cancellation of bails in all pending cases.

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:

“The petitioner along with his son run a jewelry store in the name of Handa Jewellers. That the accused Badal in her disclosure statement has stated that the petitioner purchased stolen items from her worth Rs. 3,00,000, Rs. 1,50,000 and Rs. 17,000. The co-accused Varun Handa has stated that the gold items have been destroyed by them in order to tarnish the evidence. The details of the destroyed items is only known to the petitioner Lakhpai Rai Handa as per the disclosure statement of co-accused Varun Handa.”

REASONING:

7. Allegation against the petitioner is qua purchase of stolen articles. Given the undertaking to join and cooperate with the investigator in recovery, petitioner makes out a case for bail.

8. 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.

9. 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.



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10. 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 Ilaqa 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.

11. 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)	

12. The petitioner is directed to join the investigation and cooperate in the recovery of articles/proceeds of crime, 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.

13. 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.

14. 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,

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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.

15. This bail is conditional, and the foundational condition is that if the petitioner repeats the offence or involves himself in the offence where sentence is more than seven years, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

02.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.