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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19394 of 2025
Date of Decision: 21.05.2025
Reserved on: 16.05.2025

Gurdeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Batra, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
64	19.03.2025	City Rupnagar, District Rupnagar	305 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Satnam Singh on 19.03.2025 alleging that they were four brothers. They jointly owned an ancestral house existing in Rupnagar. He was residing in Canada. On 22.08.2024, he had come back from Canada and had put his belongings in a room of

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the ancestral house. His brother Amrik Singh who had come from Holland on 08.07.2024, had also kept his belongings in another room. There was dispute between the brothers with regard to ownership of this house as the present petitioner-Gurdeep Singh had got the same transferred in his name and he also lodged a false case against the complainant and his brother Amrik Singh. He was taken into custody whereas out of fear Amrik Singh had fled away. On being released from bail, he went back to his ancestral house on 25.12.2024 along with his relatives and some police officials and on reaching there, he found that his passport, some gold ornaments and cash amount of Rs.42,000/- and other belongings and some money of his brother Amrik Singh were missing. While alleging that the petitioner i.e. elder brother of the complainant and co-accused Dharam Pal, had a hand in the occurrence and further that he was having one CCTV footage confirming this fact, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Rupnagar vide order dated 02.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The mother of the petitioner had executed a Will and transfer deed in favour of the petitioner. The complainant had broken open the lock of the said house in July 2024 and had started living therein. The petitioner who was also residing abroad had come to India in September 2024 and had got registered an FIR No.209

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against the complainant and his brother Amrik Singh for breaking open the lock of the house. The FIR of this case had been registered against him as a counter blast. There is delay of three months in reporting the matter to the police which itself casts a reasonable doubt about the authenticity of the prosecution version. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. Accordingly, it is stressed that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that for conducting thorough investigation in the matter and for effecting recovery of the stolen property, the custodial interrogation of the petitioner is must. There are specific allegations against him. Accordingly, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused Dharam Pal is alleged to have stolen the passports and money and other belongings of the complainant and his brother Amrik Singh while the complainant was in custody in a case lodged by the present petitioner against him. As per the own version of the complainant, he had been released on bail on 25.12.2024 and had come to know that his passports etc. were missing. As per the allegations in the FIR, he had gone to the house which was in dispute with his brothers on 25.12.2024 itself along with the some police officials and relatives. However, the matter qua theft of his belongings had been reported to the police only on 19.03.2025 i.e. after about three months from the date

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when the factum of the alleged theft of his passports etc. had come to his knowledge. Given the nature of the allegations as levelled in the FIR, this Court is of the opinion that the pre trial incarceration of the petitioner is not required and these allegations make out a case for release of the petitioner on pre arrest bail. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall disclose his present as well as permanent address before the Investigating officer/Arresting officer at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the Investigating officer/Arresting officer and in

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case, any change in his address or mobile phone number takes place, then he shall inform about the same to Investigating officer/Arresting officer.

(iv) He shall not leave the country without prior permission of the Court.

(iv) He shall deposit his passport if any, with the jurisdiction Magistrate/trial Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.05.2025
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(MANISHA BATRA)
JUDGE

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