



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

203

CRM-M-20510-2025  
Date of Decision:08.08.2025

Sandeep Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Davinder Singh Saini, Advocate  
for the petitioner.  
  
Ms. Pooja Nayar Sharma, D.A.G., Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                      | Sections                                                            |
|---------|------------|-------------------------------------|---------------------------------------------------------------------|
| 44      | 22.02.2025 | City Rupnagar,<br>District Rupnagar | 305, 3(5) BNS (Sections 317(2) and<br>331(3) of BNS added later on) |

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. Vide order dated 01.07.2025, the petitioner was granted interim bail by the co-ordinate Bench of this Court, which continues to date.
3. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
4. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“5. That the present FIR has been registered on the basis of statement suffered by complainant Amit Kumar son of late Ganesh Dutt wherein he has stated that on dated 10/02/2025, at about 05:00 P.M, he had gone to his house at Hussainpur, Rupnagar. When he entered the house, he saw that the locks of the doors/gates were broken and the household articles were lying scattered in the room. On checking, he came to know that taps, one motor, two roof fans, two sewing machines and bags of rice and wheat have been stolen from the house.*

*6. That the thieves had entered the house after breaking the grill of*



*wall of the house. After inquiry, he came to know that Nikhil son of Monu, resident of Hussainpur and his two accomplices namely Sandeep Kumar @ Deepi and Harman committed the theft in his house.”*

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State's counsel opposes bail and refers to the status report, however, admits the fact that petitioner joined investigation.

8. It would be appropriate to refer to the following portions of the status report, which read as follows:

**“7. ROLE OF PETITIONER**

That as per the Complainant's allegations present petitioner was involved in the theft which was named by the complainant and one co-accused too.

**RECOVERY**

That one motor (Tulu Pump) and 5 taps were recovered from the co-accused namely Nikhil.”

**REASONING:**

9. 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.

10. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order.



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

12. **Petition allowed in terms mentioned above.** Interim order dated 01.07.2025 is made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

**08.08.2025**

*Jyoti-II*

Whether speaking/reasoned: Yes

Whether reportable: No.