

been broken. Subsequently, when he opened the lock and entered inside, he discovered that his digital machine and digital weighing scale were missing. It has been further alleged that the complainant made efforts on his own to trace the culprits but could not find any clue, however, he has now come to know that the aforesaid digital machine and digital weighing scale were allegedly stolen by Sukhwinder Singh @ Sukha, Binder (Petitioner) and Amandeep Singh @ Amna in collusion, during the intervening night of 03/04.01.2025 by breaking the iron grill, entering the dairy without authorization and committing theft of the said digital machine and digital weighing scale from his premises. Accordingly, appropriate legal action was sought against the aforesaid persons. Since, the perusal of the aforesaid statement prima facie revealed the commission of offences under Sections 331(4), 305, 3(5) BNS, therefore, case/FIR No. 8 (supra) was registered against the aforesaid persons.”

5. Counsel for the petitioner submits that FIR has been registered after a delay of 53 days and the alleged weighing machine has already been recovered from the co-accused Sukhwinder Singh and petitioner joined the investigation. 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 State's counsel opposes bail and refers to the reply.

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

“Evidence against the petitioner:

13. That the evidence against the petitioner includes the disclosure statement of co-accused Amandeep Singh @ Amna, in which the petitioner has been named as one of the accused who actively participated in the theft. The recovery of the stolen weighing scale from co-accused Sukhwinder Singh further corroborates the factum of theft. Furthermore, the statement of the complainant Daljit Singh along with supporting circumstances, establishes unlawful entry into and theft from the dairy premises. The petitioner's involvement is evident from the disclosure of co-accused Amandeep Singh @ Amna and is further supported by the overall chain of events uncovered during the investigation.

Role of the petitioner:

14. That the role attributed to the petitioner in the present case/FIR No. 8 (supra) is that he in connivance with his co-accused committed theft of the digital milk analyzer machine and the weighing scale by breaking into the complainant's dairy during the intervening night of 03/04.01.2025. The petitioner is specifically attributed the role of removing and taking possession of the digital milk analyzer machine along with Amandeep Singh @ Amna.”

REASONING

8. Recovery of stolen weighing machine has already been effected from the co-accused,

petitioner already joined the investigation and no recovery is remained, as such no ground to deny bail to petitioner is made out.

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. 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, subject to the compliance of terms and conditions mentioned in this order. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. 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.

12. 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)	

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

14. The petitioner is directed to join the investigation 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.

15. 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.

16. 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, 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.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being 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, The State shall file an application to revoke this bail before the Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

(ANOOP CHITKARA)
JUDGE

09.09.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.