



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23373-2025

103

Date of decision: 01.05.2025

Jodhpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Lalli, Advocate for the petitioner.
Mr. Jastej Singh, Addl.AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.0050 dated 26.03.2025 under Section 304 of BNS, 2023 registered at P.S Sadar Jagraon, District Ludhiana Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“ Statement of Prerna Rani @ Deepu d/o Parveen Kumar @ Bhola resident of Talwandi Khurd, PS Dakha, District Ludhiana, aged about 21 years Mobile No.76269-16208. It is stated that I am resident of above mentioned address and working as teacher on contract basis at Tejas School of village. On 24.03.2025 in the morning at about 11 AM, I on my Activa No.PB10 HP 0684 was going from my village to Jagraon. When I had reached ahead about 200 meter on the rough passage at the bank of canal ahead of canal bridge Kular, then from village Haas Kalan side two unknown hair cut boys on motorcycle were coming and they speed up their motorcycle and put it in front of my Activa and stopped me and they switched off my Activa and put out the key. Then one boy caught hold me from arms and other person broke a stick from the tree and hit me and thereafter took out two phones from my pocket i.e. A-35



Make Samsung and one another phone and also took out purse from my back pocket, which was containing about Rs.10,000/- and after snatching they ran away from spot on their motorcycle. I continued to inquiry at my own level, upon which I came to know that out of those, name of one person is Lavi resident of Haans Kalan and other person name is Yodha resident of Haans Kalan. I am getting my statement written in presence of my mother Neelam Rani. Statement has been got written to you, heard and is correct. Action may be taken. Sd/ Prerna Rani @ Deepu supported by Sd/- Neelam attested by Sd/- Rajvarinder Pal Singh, ASI Incharge Chowki, Chowkiman dated 26.03.2025. Police Proceedings: Today I, ASI alongwith HC Jatinder Singh 371, C. Gurwinder Singh 100 and C.Sarabjot Singh 46 was present at the gate of Chowki Chokiman, then Prerna Rani @ Deepu alongwith her mother Neelam Rani came to chowki and above statement of Prerna Rani was written word to word and she after reading her statement and admitting as correct put her signatures in English which were supported by Neelam Rani and which was attested by me. From the statement offence under Section 304 BNS has been made out. As such, statement is being sent to Police Station through HC Jatinder Singh 372 for registration of case under Section 304 BNS against Lavi resident of Haans Kalan and Yodha resident of Haans Kalan. After registration of case, FIR number be intimated. Special Reports be issued, DCR/LDH(R) may be informed through mobile phone. I, ASI alongwith officials leaving for the spot. In the area of Chowki Chowkiman at 9:40 PM. Attested Sd/- Rajvarinderpal Singh, ASI Incharge Chowkiman dated 6.03.2025. Today on receipt of above statement in the police station, case under above mentioned sections against Lavi resident of Haans Kalan and Yodha resident of Haans Kalan is being registered. After compliance, original statement alongwith copy of FIR is being sent to IO ASI Rajvarinder Singh 448 at the spot through bearer CT Jatinder Singh 372. DCR is being informed. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner and the co-accused were not on friendly terms with each other rather were having strained



relations and on account of that, co-accused Ramandeep Singh @ Love named the petitioner in the instant FIR, who was not originally accused therein. Recovery of one mobile phone has been effected whereas another mobile phone is yet to be recovered but in any case no recovery is to be effected from the petitioner, who has been nominated late. Otherwise also, there is unexplained delay of two days in lodging the FIR.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Addl.AG Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail on the ground that serious and direct allegations have been levelled against the petitioner and recovery of mobile phone is yet to be effected for which custodial interrogation of the petitioner is required.

4. **Analysis**

Be that as it may, considering the fact that the name of the petitioner has surfaced in the disclosure statement of co-accused Ramandeep Singh @ Love as he was not originally named in the FIR and the fact that nothing is to be recovered from the petitioner, custodial interrogation of the petitioner is not required at this stage.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and



conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

01.05.2025

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |