

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-23154-2025
Reserved on: 14.07.2025
Pronounced on: 23.07.2025

Sabnath @ Bhopa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jatinder Kumar Kansal, Advocate for
Mr. Raghav Taneja, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
24	11.10.2022	GRP, Faridkot	328/379 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents, however, per paragraph 7 of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	170/2013	-	376 IPC and 3 & 4 of POCSO Act	Kishni
2	02/2023	-	25 of Arms Act	Kishni

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

“That the complainant namely Sh.Ganesh Gupta orally stated that while I and my son namely Sh. Rakesh were waiting for the train at Kotkapura- Bathinda Railway Platform to visit Kotihar City while taking a General Ticket, two persons aged between 45-46 years came near and started talking to us and further they touched our bags to which I questioned them "What Happened"? and in status report to this they said "Nothing Happened". They further brought us cold beverages and offered us to drink them, when I and my son drank those beverages we both became unconscious and when we attained

our senses we were at Gwalior Railway Station, I do not know how and on which train we reached Gwalior. Now I have regained my senses and have come to report this incident at police station that those two persons made us drink a cold beverage which made us unconscious and took our bags which had clothes, ID cards, two mobile phones (including an iPhone 7 with SIM No. 81464-XXXXX), and 21,500 cash hence an action be taken accordingly.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He undertakes to live like a decent human being and shall not indulge himself in any offence.

5. The State’s counsel opposes bail based on instructions.

6. The trial is going on and the petitioner is in custody for more than 01 year and given the undertaking, this Court deems it appropriate to give him a chance to course correct.

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per the custody certificate dated 12.07.2025, the petitioner’s total custody in this FIR is 01 year and 01 day.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, period already undergone and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. 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 bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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	
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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 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.

15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

23.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.