

CRM-M-26471-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26471-2025
Date of decision: 03.07.2025

Aslam @ Amzad ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
152	22.12.2023	Sadar Nakodar, District Jalandhar	457/380 IPC (Section 411 IPC 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. In paragraph 21 of the bail petition and 12 of the status report filed by the State, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3) That present FIR No.152 dated 22.12.2023, U/s 457/380 IPC (Later on U/s 411 IPC was added vide DDR No. 10 Dated 25.12.2023) registered at PS Sadar Nakodar, Jalandhar against petitioner and co accused Mohammad Anas and Mohammad Shoiab on the statement of complainant Abdul Haq wherein he stated that he is working as helper contractor to the main company namely Krishna Consultation Company and they are constructing over bridge in the area of village Kang Sabhu Ring Road and shuttering material was lying there.

4) That the complainant has further stated that on the intervening night of 21/22.12.2023, 64 plates of 2 X 4 feet, 20 pipes of 8 feet. 32 lazer pipes of 4 feet, 28 Uzek of 2 feet, 16 house plates of 4 feet, approximately 5½ quintal iron bar of 10 mm and 12 mm and approximately 4 quintal of scrap iron bar were stolen.

5) That the complainant has further stated that he has full



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belief that his company workers namely Ansh son of Feroze Ahmad and Shoib son of Mungzeer and Ansh's uncle namely Aslam son of Ali Hasan (petitioner) have stolen these articles in conspiracy with each other as such he requested to take legal action against him.”

4. 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.

5. The State's counsel opposes bail and refers to the status report.

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

“The role of the petitioner.

10). That petitioner has actively participated in the commission of crime of present FIR as he has arranged the vehicle for transportation of stolen iron scrap and said scrap was recovered from house of petitioner hence there are specific allegation against the petitioner thus present petition is liable to be dismissed.”

7. The evidence collected against the petitioner is in the shape of disclosure statement which is not legally admissible and stolen articles have been recovered.

8. FIR relates to year 2023, the Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. Moreover, recovery of stolen scrap has already been effected. No recovery remains as per reply, as such no ground is made out to deny bail to the petitioner.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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, recovery being already effected and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

11. 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.

12. 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



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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.

13. 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)	

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. 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.

16. 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.

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



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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

03.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.