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CRM-M-28761-2025
Date of Decision: 23.05.2025

...Petitioner

State of Punjab

...Respondent

Present: Mr. Aashish Bhagat, Advocate
for the petitioner.

Ms. Navreet K. Barnala, A.A.G., Punjab.

* * * *

FIR No.	Dated	Police Station	Sections
132	18.10.2020	Shambhu, Rajpura, Punjab	420, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Officer Incharge, Police Station, Shambhu, Jai Hind, 1, ASI alongwith Head Constable Surinder Singh No.36/226, PHG Ashok Kumar No. 18806, PHG Malkit Singh 18832 by riding on private car in connection with patrolling were present at T-Point Dahrian, then informant came to me, ASI and in alone informed that today from outside States, Truck No. PB-04-S-9041 and Truck No. PB-05-AL-7701 fully loaded with unauthorised paddy are coming towards Punjab. The paddy from the outside State has been got supplied at less rate and this paddy by unloading in mandis and rice mills bogus billing will be done, in this manner by doing forgery and cheating with Punjab Govt. and financial loss is caused to Punjab Govt. revenue. This paddy is being brought to Punjab without any record. If now raid and barricade is conducted at Ambala to Rajpura Road, then Truck PB-04-S-9041 and PV-05-AL-7701 alongwith paddy can be seized. Information appears to be

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reliable and convincing. In this manner truck loaded with paddy is being brought to Punjab without any record and bringing it into Punjab and financial loss to Punjab Govt. is being caused which fulfill the ingredients of offence under Section 420, 120-B IPC, Therefore, for registration of case against the truck number PB-04-S-9041 and PB-05-AL 7701 and the unknown drivers, recorded message is through PHG Malkit Singh No. 18832 is sent to Police Station Shambu. After registration of FIR its number be put on the file. I, ASI alongwith police officials left Police post for Village Mahmampur. Sd/- Balkar Singh.”

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 his family. Counsel for the petitioner submits that earlier petitioner was on bail and due to non-appearance, his bail was cancelled.

5. The State's counsel opposes bail on instructions.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear within 07 days, lateron which led to the cancellation of the bail and proclamation was issued vide order dated 30.04.2025.

7. As petitioner was earlier granted bail vide order dated 25.10.2023, and as such, this court is inclined to grant bail subject to some conditions.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner was earlier on bail and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage.

9. 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.

CONDITIONS:

10. 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.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

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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)	

12. This order is subject to the petitioner’s complying with the following terms.
13. The petitioner shall attend the Trial on every date and shall not seek single adjournment without cogent reason.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. 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.
16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

23.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.