



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

287

**CRM-M No.28302 of 2025
Date of decision : 30.9.2025**

Baldev Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. D.S. Virk, Advocate, for the petitioner
Mr. Gaurav Gurcharan S. Rai, Senior DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.204 dated 17.12.2024, under Sections 305 and 331(4) of Bharatiya Nyaya Sanhita, 2023 (Section 317(2) of BNS added later on), registered at Police Station Phase-I, Mohali.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of statement, statement of Ashok Gandetra S/o late Sh.Vasti Ram Gandetra R/o H.M-17, Phase-2 Mohali, P.S. Phase 1, Distt. SAS Nagar, aged about 74 years, Mob. No.97790-85724, stated that I am resident of above mentioned address and has retired as Manager from State Bank India. On 13.12.2024, I along with my wife had gone to New Delhi in a cab to attend marriage of my nephew Akarsan Gandetra. I have one car



bearing No.PB-65BG-4751, make Honda Elevate of grey colour, the chassis number of the same is MAKDG583AR4001235 and engine No.L15ZD2225833 and model No.2024, which I used to park outside my house. Today on 17.12.2024, at about 7.30 a.m. my wife received a call from my maid Babita's husband named Bhola, who said that your main gate is open, have to come back from Delhi at home, then I told him that we are at Delhi. Thereafter, Bhola told me telephonically that lock of your main gate has been broken. I told the entire incident to my wife. Thereafter, I along with my wife started from Delhi towards my house and at about 2 p.m. we reached at our house and we saw that the lock of main gate and of internal main door were broken and our above numbered car was not present outside the house. When we entered into the house, we saw that the goods of house were scattered and locks of almirah were open. One iron almirah has been made in our bedroom, whose lock was also broken and when we checked the goods lying in the same, key of our bank locker, the gold ornaments, which are about weighing 17 tolas, list of which will be produced by me before you and 400 US Dollars along with Rs.25,000/- cash and our other personal documents and both the keys of our above mentioned car were missing. The above mentioned whole articles and above mentioned car have been stolen from our house by some unknown persons, legal action may kindly be taken as per law. Today I along with my wife Poonam Chopra are coming to police station for giving information, you have met us at Faranko Traffic lights. Statement is recorded to you, heard, which is correct. Sd/- Ashok Gangotra, verified by Sd/- Poonam Chopra, Mob. No.98767-32751-x-x-x-x-X.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 31.12.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question primarily on account of his antecedents. Learned counsel has further argued that there is no incriminating evidence available against the petitioner in the challan filed by the police. Thus, regular bail is prayed for.



4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 29.9.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 31.12.2024 wherein after investigation was carried out and challan stands presented on 28.2.2025. Total 11 prosecution witnesses have been cited but none has been examined till that. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 29.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 23 days. As per the said custody certificate, the petitioner is stated to be involved in multiple cases. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground



sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall



not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

30.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No