



them that they need a photocopy of said new writing and when they were getting the said document photocopied at Bharat Photostat at Rampura Phul, at that time Tirath Singh took the said writing from him and tore the same. Somehow they snatched half of the said writing pertaining to the agreement to sell from him and the remaining half of the said document was put by Paramjit Kaur wife of Kulwinder Singh in her clothes. They are also having a video recording of the said occurrence. At that time, one unknown lady and some unknown persons were also present at the spot. The said act was committed by the said persons in order to resile from the agreement to sell. The date of execution of the sale deed was fixed to be 20.05.2025 in the said agreement. The complainant prayed that action may be taken against the said persons. The said complaint was marked by SSP Bathinda to DSP, Rampura Phul for inquiry and on the basis of said inquiry report and legal opinion obtained from DDA Legal vide letter number 81/DDA Legal, District Bathinda dated 17/04/2025 the present FIR was lodged and the investigation of the case was commenced.”

4. Counsel for the petitioner submits that the petitioner is a women and she has been falsely implicated in the present FIR. There has been a considerable delay in registration of FIR. He further submits that bail filed by two co-accused, namely, Rupinder Singh and Kulwinder Singh to whom even the main act of tearing of the agreement was attributed, there bail has been rejected by a Co-ordinate Bench of this Court, however, petitioner's role is on lower pedestrian.
5. 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.
6. The State's counsel opposes bail and refers to the reply.
7. Counsel for the complainant strongly oppose the bail and submits that if this Court grants bail to the petitioner, that should be subject to the condition that co-accused with similar role should not be treated on parity with her as she is woman. agrees that petitioner is a woman and if this Court takes a softer view against her because she is a woman, they would not oppose the bail.
8. It would be appropriate to refer to the following portions of the reply, which read as follows:

“Role of the Petitioner -

- i. That the investigation of the investigative agencies reveal that the petitioner was actively involved in the commission of the said crime which is of serious in nature.*
- ii. That the petitioner is not cooperating with the police in the investigation of the crime reported in the aforementioned FIR and same is amply manifested in the fact that the petitioner has till date not handed over to the investigating authority,*



the torn half of the agreement in question which is duly in possession of petitioner and other co-accused persons.”

REASONING:

9. Allegations against the petitioner are that she had the half portion of the torn agreement, torn by accused-Tirath Singh in two parts and remaining part was with the complainant. No doubt, she must be a conspirator with co-accused but except holding that paper she did nothing. No doubt Co-ordinate Bench of this Court already denied the bail to co-accused, but this Court is inclined to grant her bail because she is a woman with higher social responsibility. Moreover, the alleged documents can be procured from the attesting authority or document writer who reduced the same into writing. If, the document is unregistered, then evidentiary value of the document is a question. She is entitled to bail, subject to rider that her bail shall not be a ground of parity for the co-accused.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal. Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case. Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.

11. 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.

12. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

13. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

14. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds 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.

15. 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)	

16. This order is subject to the petitioner’s complying with the following terms.

17. 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.

18. 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.

19. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.



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

22. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

02.09.2025
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(ANOOP CHITKARA)
JUDGE

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