

CRM-M-30134-2025

106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30134-2025
Date of Decision: 28.05.2025

Sikander Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lovish Arora, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
33	14.04.2025	Smalsar, District Moga	303 (2), 317(2) of BNS and Section 3 of The Punjab Prevention of Defacement of Property Act (Section 317(2)BNS and 3 of The Punjab Prevention of Defacement of Property Act 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 13 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:

“Station House Officer, Police Station, Smalsar, Jai Hind, Today myself ASI alongwith HC Amandeep Singh 1308/Moga, SCT Surinder Singh 467/Moga, PHG Angrej Singh 23169 by travelling on Private vehicle alongwith Laptop, Printer were going from Village Bambiha Bhai to Suikhanand in connection with the patrolling and checking of suspicious persons. When the Police Party reached on Sua Bridge in the area of Sukhanand, then the secret informer informed myself ASI separately that Gurdip Singh alias Raju son of Gurcharan Singh



CRM-M-30134-2025

resident of Marri Gurusar Mohalla Bauria Sikha District Moga alongwith his companions Sikander Singh son of Buta Singh, Sikandar Singh son of Karnail Singh alias Tittar, Angrej Singh son of Ruldu Singh, Balkar Singh son of Gurnam Singh, residents of Burj Ladha Singh Wala, District Bathinda dismantle the transformers of Village Sukhanand and its surrounding villages and other villages in the night time from the fields and extract copper out of them and remove the wires of the Motors from the fields and thereafter these articles are put on heat and then copper and silver is extracted and then they sell the same stealthily and during the past days they have broken large number of transformers and extracted copper out of the same and they have also stolen wires of the motors. The Copper and silver wires have been hidden in the house of Sikandar Singh son of Buta and Balkar Singh son of Gurnam Singh, residents of Burj Ladha Singh Wala. Gurdip Singh alias Raju son of Gurcharan Singh, resident of Gurusar Marri alongwith his companions has to make a plan to dispose of the Copper stolen by them and to make further planning to commit next incident and he has come from his village Marri to meet his above mentioned companions who will gather at Burj Ladha Singh Wala from Sukhanand. If supervision is kept on the road from Sukhanand to Burj Ladha Singh Wala, then he can be nabbed and Copper etc. can be recovered from them in a large quantity. The information is true and believable. According to the information, by doing so by Gurdip Singh alias Raju son of Gurcharan Singh resident of Marri Gurusar, Sikander Singh son of Buta Singh, Sikandar Singh son of Karnail Singh alias Tittar, Balkar Singh son of Gurnam Singh and Angrej Singh son of Ruldu Singh, residents of Burj Ladha Singh Wala, fulfils the requirement of Section 303(2) BNS. Thus by writing present Ruqa, the same is being sent to Police Station by hand through PHG Angrej Singh 23169 for registration of case. After registration of case, number of the case may be informed and PCR Moga may be informed. Myself ASI alongwith companion employees is busy in taking action. Sd/- Sukhwinder 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 their family.
5. The State's counsel opposes bail based on instructions.
6. Since all the stolen articles have already been recovered, as such there is no need for custodial interrogation of the petitioner. Moreover, all the co-accused have already been granted bail by the Sessions Court.
7. 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



CRM-M-30134-2025

anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. 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.

9. 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 Ilaka 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.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.
12. 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.
13. 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



CRM-M-30134-2025

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.

14. 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 be at liberty to cancel this bail.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

28.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.