



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211-2

CRM-M-34984-2024

Date of decision: 4th August, 2025

Darshan Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sunny Kumar Singla, Advocate for the petitioners.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.
Mr. Aman Bansal, Advocate for the complainant.
(through VC)

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of anticipatory bail in case bearing FIR No. 11 dated 11.02.2024 registered under Sections 457, 380, 427, 148 and 149 of IPC at Police Station Sadar Patiala, District Patiala.

2. The petitioners along with the co-accused have been booked for commission of aforementioned offences on the basis of a statement recorded by the complainant Suraj Kumar alleging that on 13.09.2023, he had performed marriage with Jyoti, who is a co-villager. Her family members were deadly against their alliance. Out of fear, his parents and brother had left their house in the village after locking the same. However, the petitioners, co-accused and other family members of his wife Jyoti formed membership of an unlawful assembly on 04.12.2023 and in prosecution of



common object thereof, entered his house, broke open the locks and committed theft of 3.5 *tolas* of gold ornaments and cash amount of Rs. 44,000/- kept in the house. They had also damaged the domestic articles kept in the house. Intimation about the incident was given to the complainant by the neighbourers. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners had moved application for grant of pre-arrest bail which was dismissed by the Court of learned Sessions Judge, Patiala, vide order dated 12.03.2024.

3. Vide order dated 21.08.2024 as passed in this case, the petitioners were directed to join the investigation. Subsequently, also they were directed to join investigation. They had joined the same time and again and lastly on 02.09.2024. Petitioner No.6-Vicky has not joined the investigation.

4. Learned State counsel assisted by learned counsel for the complainant has submitted that though the petitioners have joined the investigation but recovery of the articles which they had stolen from the house of the complainant is yet to be effected and therefore, it is urged that they do not deserve to be extended benefit of pre-arrest bail.

5. Learned counsel for the petitioners, on the other hand, has submitted that the petitioners have joined the investigation. No recovery is to be effected from them. There is delay of two months and seven days in reporting the matter to the police. The ingredients for commission of offences under Sections 380 and 427 of IPC have not been established against the petitioners at all as no material is there to show that they had committed any theft. It is, therefore, argued that the petitioners deserve to be



extended benefit of pre-arrest bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioners have joined the investigation at different points of time. Though it is claimed that recovery of articles which were stolen by the petitioners is yet to be effected, however, in the considered opinion of this Court non recovery thereof cannot be stated to be a reason for not giving the benefit of pre-arrest bail to the petitioners. Non recovery of some disputed articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503.

8. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 21.08.2024 granting interim bail to the petitioners is made absolute(except petitioner No.6), subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

4th August, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No