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

CRM-M-32938-2025(O&M)

Date of Decision:24.07.2025

Amarjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arun Kumar Gupta, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-26890-2025

1. At the very outset, learned counsel for the petitioner contends that inadvertently, instead of Sections 411 and 380 of IPC, the offence under Sections 311 and 480 of IPC have wrongly mentioned in the headnote as well as prayer clause of the main petition.

2. Notice in the application.

3. On the asking of the Court, Mr. Ravneet Singh Joshi, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and submits that he has no objection in case the present application is allowed.

4. For the reasons mentioned in the application, the same is allowed and the offence under Sections 311 and 480 of IPC are ordered to be corrected as Sections 411 and 380 of IPC.

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1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.106 dated 26.08.2022 registered under Sections 380, 457 of 411 (added later on) of IPC, at Police Station Julkan, District Patiala.
2. The FIR in the present case was registered on the basis of the statement made by Varinder Singh alias Sonu son of Kashmir Chand and the same has been reproduced below:-

“Statement of Varinder Singh alias Sonu son of Kashmir Chand resident of Hajipur, Police Station Julkan, District Patiala written by ASI Baldev Singh No.660/Ptl. has been received at Police Station by hand through PHG Harbans Singh no.18344 for registration of case against Amarjit Singh son of Manga Singh resident of Village Hajipur, District Patiala, the contents of which are, "Statement of Varinder Singh alias Sonu son of Kashmir Chand resident of Hajipur, Police Station Julkan, District Patiala aged about 36 years, M.No.95921-76568. Stated that I am resident of above mentioned address and is running a grocery shop at Channa turn, Devigarh. In the midnight of 31.07.2022, I and my wife Srishta Rani along with my children were sleeping in the house. Both me and my wife had VIVO mobile phones with us. At about 03 AM, when I switched on the light and checked my VIVO phone, however, it was not on my bed. I woke up my wife and asked that my mobile phone is missing, who also checked her VIVO mobile phone, which was also not there on the bed. As of now, I was searching the VIVO mobile phones of me and my wife, but could not find. I am fully confident that my phone has been stolen away by Amarjit Singh son of Manga Singh resident of Village Hajipur. Today I was coming to Police Station to inform you. However, you met at Julkan Bus Stop. Statement got recorded to

you, heard, which is correct. Take action. Sd/-Varinder Singh. Attested Sd/- Baldev Singh ASI Police Station Julkan, dated 26.08.2022.”

3. Learned counsel for the petitioner contends that the petitioner was earlier arrested in the present case on 29.08.2022 and was granted the concession of regular bail, vide order dated 05.09.2022, (Annexure P-2). Thereafter, the challan was filed on 06.08.2024 and the trial progressed against him. However, during trial, the petitioner did not appear before the trial Court and his bail was ordered to be cancelled. The petitioner was arrested again on 08.05.2025 and is in custody since then. Even his absence during trial was unintentional and now, he intends to appear on each and every date of hearing before the trial Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was declared as proclaimed person on 30.04.2025 and thereafter, he was arrested on 08.05.2025. He further contends that the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, undoubtedly, the petitioner was granted the concession of bail on 05.09.2022 and he was regularly appearing for almost two years before the trial Court. However, he absented during trial and was declared as proclaimed person. Now, he is again in custody for the last about 02 months and his custody will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

24.07.2025

hemlata

(N.S.SHEKHAWAT)
JUDGE

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