



CRM-M-36112-2025

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103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36112-2025
Date of decision: 11.07.2025

LOVE @ LOVEJIT SINGH ...PETITIONER
VERSUS
STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
65	11.10.2023	Jhander, District Amritsar	454/380 IPC

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. Per paragraph 9 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the FIR (Annexure P-1), which reads as follows:

"Statement of Rajbir Singh son of Dhir Singh, resident of Vachhoa, age about 27 years, mobile no. 8872254732, that I am the resident of the above said address and do the labour work. I have three children from them one is girl and two are boys. On dated 20.09.2023, there was Nagar Kirtan in our village. I alongwith my all family members went to attend the Nagar Kirtan by putting the lock to the house and when we all came back to our house at time approximately 4 PM after attending the Nagar Kirtan then saw that the lock of residential room of the house was broken and when I saw by entering inside that 4 gold rings weighing 12 grams, one gold necklace weighing one Tola, earrings weighitn 4 grams and Rs.3 thousand in cash lying in the trunk in the room were stolen. I have full belief that this theft has been committed by my nephew Love son of Manjit Singh @ Bittu resident of Vachhoa by scaling the wall of the house and by breaking the lock of the room. Till now I and my family members alongwith the respectable persons kept on two demand the stolen gold from our nephew our own level being the member of family but he has not returned. Appropriate legal action may be taken against him. Statement has been got recorded, heard, it is correct. SD/- Rajbir Singh."



4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and not a single evidence on record against the petitioner. He further prays for bail by imposing any stringent conditions including surrender of fire arms. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family and he is ready to join investigation.

5. The State’s counsel opposes bail on instructions.

REASONING:

6. There is delay of more than 20 days in registration of FIR and petitioner is ready to join the investigation. 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 anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

7. 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, subject to the compliance of terms and conditions mentioned in this order. 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.

8. 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.

9. 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)	

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

11. The petitioner is directed to join the investigation and cooperate in the recovery of articles 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.

12. 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.

13. ***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.***

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

15. 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.

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

11.07.2025
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(ANOOP CHITKARA)
JUDGE

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