



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

214

CRM-M-37257-2025

Date of decision: 21st August, 2025

Vakil Sahota @ Vakil

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

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 petitioner seeking grant of anticipatory bail in case bearing FIR No. 58 dated 14.05.2025 registered under Sections 331(4) and 305 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Kulgari, District Ferozpur.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Kavita, alleging therein that, on 10.05.2025, she had left her house along with her mother-in-law. On coming back on the noon of 13.05.2025, she found the locks of the rooms and *almirahs* to be broken open by someone and silver and gold ornaments and other domestic articles kept there were stolen. She made inquiries at her own level and had come to know on 14.05.2025 that the theft had been committed by accused Kalu and Rishi. After registration of FIR on her



statement, investigation proceedings have been initiated. On 20.05.2025, the complainant recorded a supplementary statement, qua theft of some other articles from her house and also that the theft was committed by one Suraj, son of Hiralal, and not by the accused Kalu. The accused Kalu was declared to be innocent. The accused Rishi @ Roshan and Suraj were arrested. The accused Suraj suffered disclosure statement to the effect that some of the stolen articles had been sold by him to the present petitioner and to one Shama. The petitioner was nominated as an accused on 27.05.2025. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Ferozepur which was dismissed vide order dated 10.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is a scrap dealer by profession and he did not receive or retain any property from the co-accused while knowing the same to be stolen property. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him as what had been sold to him has not been mentioned by the co-accused. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner. His custodial interrogation is must for recovery of the stolen property. Therefore, it is urged that the petition does not deserve to be allowed.



5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to have received stolen property from the co-accused Suraj. The details of such property had not been disclosed by co-accused Suraj. Given the nature of the allegations as levelled against the petitioner, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court holds that the petitioner makes a case for grant of pre-arrest bail. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of pre-arrest bail, subject to his surrendering before the Investigating/Arresting Officer within a period of **ten days** from today and joining investigation and then subsequently also as and when called upon by him and on his surrender within that period, he shall be released on bail by the Investigating Officer on furnishing bonds to his satisfaction and on the following conditions:-

(i) He shall not leave the country without permission of the Court during investigation and till conclusion of trial and will surrender his passport (if any) before trial Court.

(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.



7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

21st August, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |