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CRM-M-39339-2025  
Decided on: 18.08.2025

## Shabad alias Sahbad

...Petitioner

## Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rohit Kumar Rana, Advocate  
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

\* \* \* \*

ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station              | Sections                                                                                                                |
|---------|------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 0256    | 13.11.2022 | Samana, District<br>Patiala | 457, 380 IPC (Sections 411,<br>201 IPC added later on) and<br>Section 11 of the Prevention<br>of Cruelty to Animals Act |

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail petition as well as para 12 of the status report, the petitioner has the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offenses               | Police Station                         |
|---------|---------|------------|------------------------|----------------------------------------|
| 1       | 85      | 15.09.2017 | 457, 380 IPC           | Jhunir, District Mansa, Punjab         |
| 2       | 129     | 22.12.2017 | 457, 380 IPC           | Jourkia, District Mansa, Punjab        |
| 3       | 210     | 10.11.2021 | 379, 411, 201 IPC      | City Khanna-2, District Khanna, Punjab |
| 4       | 139     | 13.12.2021 | 457, 380, 411 IPC      | Sadar Barnala, District Barnala        |
| 5       | 06      | 11.01.2022 | 379, 457, 380, IPC     | Dharamkot, District Moga, Punjab       |
| 6       | 50      | 07.07.2023 | 379, 457, 380, 201 IPC | Mullepur, District Fatehgarh Sahib     |
| 7       | 196     | 26.07.2023 | 457, 380, 411 IPC      | Patran, District Patiala, Punjab       |
| 8       | 153     | 04.08.2023 | 457, 380 IPC           | Sadar Nabha, District Patiala, Punjab  |
| 9       | 112     | 25.08.2023 | 457, 380 IPC           | Sadar Patiala, District                |

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|    |     |            |                                                               |                                          |
|----|-----|------------|---------------------------------------------------------------|------------------------------------------|
|    |     |            |                                                               | Patiala, Punjab                          |
| 10 | 271 | 21.08.2023 | 353, 186, 332, 307, 379, 411 IPC and 25, 27/54/59 of Arms Act | Asaudha, District Jhajjar, Haryana       |
| 11 | 01  | 02.01.2023 | 457, 380 IPC                                                  | Sadar Jhajjar, District Jhajjar, Haryana |
| 12 | 18  | 25.01.2023 | 379, 34 IPC                                                   | Sadar Jhajjar, District Jhajjar, Haryana |
| 13 | 165 | 25.05.2023 | 379 IPC                                                       | Sadar Jhajjar, District Jhajjar, Haryana |
| 14 | 182 | 31.05.2023 | 457, 380 IPC                                                  | Sadar Jhajjar, District Jhajjar, Haryana |
| 15 | 181 | 25.09.2023 | 457, 380 IPC                                                  | Sadar Jhajjar, District Jhajjar, Haryana |
| 16 | 278 | 01.08.2023 | 457, 380 IPC                                                  | Sadar Jhajjar, District Jhajjar, Haryana |
| 17 | 294 | 17.08.2023 | 457, 380, 411 IPC                                             | Sadar Jhajjar, District Jhajjar, Haryana |
| 18 | 80  | 03.05.2023 | 379 IPC                                                       | Machrolli, District Jhajjar, Haryana     |
| 19 | 148 | 07.04.2023 | 457, 380 IPC                                                  | Sampla, District Rohtak, Haryana         |
| 20 | 330 | 30.09.2023 | 379, 411 IPC                                                  | Sampla, District Rohtak, Haryana         |

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“4. That the brief facts of the case are that initially, above noted case FIR No.0256 dated 13.11.2022, under Sections 457, 380 IPC & Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Sadar Samana, District Patiala was registered against unknown person(s) on the basis of a statement of Jarnail Singh son of Shisha Singh, resident of Dhanauri, PS Sadar Samana, District Patiala (complainant), in which, he stated that he and his brother Amrik Singh have joint work and they also do agriculture work. They have kept animals in their Warra and their residence is situated at a distance of 200 meter in the village. On 12.11.2022, giving the fodder to his cattle, the complainant went to his house to sleep after locking the main gate of his cattle shed at about 9.00 PM. On 13.11.2022 at about 5.00 AM, when the complainant went again to give fodder to the cattle, he saw that five buffaloes and one bull are missing from the Cattle Varandha. He further stated that after moving ahead he saw that one buffalo was lying dead by strangulating the neck of buffalo. Thereafter, they searched for remaining buffaloes and one bull but could not found the same and even saw a big hole in the wall. Thus, on the basis of statement of the complainant, above FIR was registered*

*against unknown persons.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to following portion of the reply, which read as follows:

***“The evidence based on which the petitioner was arraigned as an accused.***

*That during course of the investigation, complainant in his supplementary statement given to the police on 14.09.2023 has mentioned that on the intervening night of 12/13.11.2022, the theft of five buffaloes and one bull had been committed from of his Warra by Shabad (present petitioner) and Gufran son of Islam. From which one buffalo had been killed by strangulating through rope. He further stated that Shabad and Gufran had been arrested in FIR No. 196 dated 26.07.2023 U/s 457, 380 IPC, Police Station Patran. Now these persons Shabad (present petitioner) and Gufran are locked in Police Station Patran and he believes that his animals have been stolen by above said persons and a legal action be taken against them. Thus, the petitioner has been arraigned in this FIR as an accused.*

***B. The evidence against the petitioner.***

*10. That the petitioner has admitted during the course of interrogation that he along with his accomplices has committed theft of the cattle (buffaloes/bull) of the complainant and thereafter, they have sold the same further and usurped the amount earned from the same. Moreover, the complainant had identified the petitioner and his co-accused to be the same persons who had committed the theft.*

***C. The role of the petitioner.***

*11. That the petitioner in connivance with his accomplices committed theft of five buffaloes and one bull of the complainant by breaking the wall of his cattle shed and further one buffalo has been killed by strangulating*

*through rope. Thus, the offence committed by the petitioner is very serious in nature.”*

REASONING:

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
7. Per paragraph 5 of the bail petition, the petitioner has been in custody since 03.10.2023 and accordingly his custody in this FIR is approximately 01 year & 10 months.
8. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.
9. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
11. 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)                                                                                                             |  |
12. This order is subject to the petitioner's complying with the following terms.
13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
14. It is clarified that if the petitioner violates any bail condition, the State and/or the

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victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

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. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)  
JUDGE

18.08.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.