

CRM-M-43687-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43687-2024
Reserved on: 04.02.2025
Pronounced on: 07.02.2025

Gurdeep Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Kumar Mehra, Advocate and
Mr. Prabhjot Singh Mann, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
138	13.07.2024	Jakhal, District Fatehabad	304 & 62 of BNS 2023

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. In paragraph 15 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	02	01.01.2023	---	City Tohana, Distt. Fatehabad
2	03	01.01.2023	---	City Fatehabad

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“To, the S.H.O. Police Station Jakhal. Sir, it is a request that I am Pramjeet Kaur, wife of Sandeep Kumar, resident of bhyas Colony, Jakhal. I am working as a sweeper. On 10.07.2024, at around 12.30 PM, I am on the way to home after working as usual. When I reached in front of Shyam Lal Sharma's house, I saw a young boy was passing on his motorcycle. With No. PB13 AJ9104 and tried to snatch my earring but as soon as I raised an alarm out of fear, he ran away. Please, strict legal action should

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be taken against the unknown motorcyclist. It will be so kind of you. Date 13.07.2024 SD Paramjeet Applicant Pramjeet Kaur wife Sandeep Kumar resident of bhyas Colony Jakhal Mob. 86071-34916 at police station: Case no. 138 Dated 13.07.2024 Section 304,62 BNS Police Station Jakhal, case registered, copies of the FIR are being prepared by computer and are being sent to the service of Postal Area Respected Magistrate and Officer Bala and the copy will be sent to the police along with the original application. ASI Krishna Kumar No. 67/FTB along with EASI Tilak Raj No. 307, I immediately left for the incident site and informed the managing officer about the situation.”

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.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to para 7 of the status report dated 17.01.2025, which read as follows:

*“That in compliance of order dated 12.11.2024 passed in present CRM-M No. 43687 of 2024, petitioner-accused Gurdeep Singh joined the investigation on 14.11.2024 and arrested in accordance with law and petitioner-accused Gurdeep Singh also suffered disclosure statement (Annexure R-3) regarding his involvement in the present case. Petitioner-accused Gurdeep Singh disclosed that **"I am addicted to drugs. My friend Harvinder Singh son of Kaka Singh resident of Chullad Kalan has a motorcycle CD Deluxe color black bearing Reg. No. PB13AJ9104 and on 10.07.2024, I did not have money to buy intoxicant so I made a plan that I would snatch money from somewhere to buy intoxicant and to commit crime, I had taken motorcycle from my friend Harvinder Singh for my personal work. He further disclosed that On 10.7.2024 at around 12.30 pm, a woman was walking alone in the street in Beas Colony Jakhal and I tried snatching with said woman but she raised an alarm on which I fled from the spot on above mentioned motorcycle and then I gave motorcycle back to Harvinder and did not tell anything to Harvinder Singh about committing the crime". In pursuance of his disclosure statement, petitioner-accused Gurdeep Singh got demarcated the place of occurrence.**”*

REASONING:

7. Perusal of the status report reveals that petitioner made attempt to snatch earrings

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of the complainant, however not succeed. Petitioner is a drug addict and this Court deems it appropriate to grant one opportunity to the petitioner to mend his ways.

8. 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.

9. 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.

10. 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.

11. 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 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.

12. 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)	

13. This order is subject to the petitioner's complying with the following terms. 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. The petitioner is directed to join the investigation 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

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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.

15. 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.

16. It is clarified that if the petitioner violates any bail condition, the State and/or the 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.

17. **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 have the liberty to cancel this bail.**

18. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

20. 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.

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

(ANOOP CHITKARA)
JUDGE

07.02.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.