

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:123895



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CRM-M-44233-2025 (O&M)

Date of decision:09.09.2025

Sukhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Verma, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. 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 arising out of FIR No.64 dated 27.06.2024, registered under Sections 457, 380 IPC, Police Station Division No.7, District Jalandhar.

2. As per the allegations, on intervening night of 11/12.03.2024, some unknown person entered in the building of SCO No.12, Chhoti Baradari Part-II, Jalandhar and took away batteries from the mobile tower installed by the Reliance Jio Company in that building. On complaint of the legal head of the company, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, the

complainant-Kuldeep Singh Brar recorded his supplementary statement on 30.08.2024 on the basis of which the present petitioner and Manpreet Singh were nominated as accused as it was alleged that they were involved in committing theft of the batteries. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Sessions Judge, Jalandhar vide order dated 31.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The complainant has given no material on the basis of which he was named as accused. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. It is, therefore, urged that he deserves to be extended the benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned State counsel that the petitioner was involved in theft of batteries from the mobile tower of Jio Company as installed at the roof of building of SCO No.12 at Jalandhar. His custodial interrogation is must for conducting thorough investigation in the matter. No extraordinary ground is made for allowing the present petition. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have stolen batteries from the tower installed by the Jio Company. He was not named in the FIR. The complainant disclosed his name in his supplementary statement and a DDR

No.30 was entered in this regard on 30.08.2024. However, on going through the contents of this DDR, it is revealed that while recording the supplementary statement, the complainant had not produced any material to show as to how the petitioner was involved. In such peculiar circumstances and given the nature of the allegations as levelled, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the Investigating Officer within a period of 10 days from the date of passing of this order and on his surrender within that period, he shall be released on bail subject to the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(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.

9. Since the main petition has already been disposed of, pending

application(s), if any, shall also stand disposed of.

09.09.2025

harjeet

(MANISHA BATRA)
JUDGE

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