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CRM-M-47010-2025
Date of decision: 27.08.2025

VERSUS

...RESPONDENT

Ms. Pooja Nayar Sharma, DAG, Punjab.

FIR No.	Dated	Police Station	Sections
09	05.07.2025	Dhar Kalan, District Pathankot	303(2)/317(2) of BNS, 2023

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	85	2022	379-B IPC	Bhogpur, Jalandhar

“It is the case of the prosecution that on 05.07.2025, ASI Gurmeet Raj along with police officials in connection with picket, checking of vehicles and search of bad elements was present at Basoli road Dunera chowk. During checking of vehicles, a hair cut person who was riding a motor cycle make Bajaj C.T 100 did not have a number plate in front of the motor cycle, who came from Dalhousie side (H.P) to whom ASI with the help of police officials signaled to stop. The person riding the motor cycle stopped behind the motor cycle and started to turn back, but he was apprehended with the help of police officials. On inquiry, he disclosed his name as Saif Ali son of Sher Mohammad, resident of Behbowal Shania, PS Dasuya, District Hoshiarpur. The motor cycle was checked and number plate no.PB-08- EK-9341 was written on back of the motor cycle and the said person was asked to produce the documents of the motor cycle, but he did not produce any documents nor gave any satisfactory answer. On thorough investigation, the said person disclosed that about



6-7 months ago, he had stolen this motor cycle from Sabji Mandi Focal Point Jalandhar and had gone to Dalhousie (H.P) to sell it, but since he did not find any customer, he was returning with the motor cycle. The accused Saif Ali has stolen the above said motor cycle and kept it in his possession and ruqa was sent to police station through PHG Chain Singh for registration of the case and accordingly, the present FIR was registered.”

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR and his name was surfaced on the basis of disclosure statement of the co-accused. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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

REASONING:

6. The name of the petitioner was surfaced on the basis of the disclosure statement of co-accused, Saif Ali and recovery of motorcycle has already been effected from the co-accused and he has been granted bail by trial Court. 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 granting 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. 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



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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.

11. 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.

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

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

27.08.2025
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(ANOOP CHITKARA)
JUDGE

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