

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49249-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Rashpal Singh @ Richhpender Singh @ Phula ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Birender Bikram Attrey, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
265	24.10.2024	Sadar Ratia, District Fatehabad	309(4), 111(2) BNS and 25 of Arms Act

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. Per paragraph 7 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“I work as an employee at the country liquor shop in village Pilchiyan. On the night of 23-24/10/2024, at about 9:15 PM, I had locked the country liquor shop in village Pilchiyan and was inside when a car with three boys came near the shop. Two of the boys got out of the car and came to the shop and told me that they needed 15 boxed (Peti) of country liquor 'Malta' for a program. In this regard, I called the contractor Vinod Kumar son of Ram Swarup, resident of Munshiwali, Tehsil Ratia, on his mobile number 98170-87202 from my mobile number 98173-78278. Vinod told me to sell the 'Malta' liquor to these boys at a rate of 1500 rupees per case. The two boys handed me a total of 21,000 rupees in cash through the grille at the shop's gate. I counted the money and put it in the cash box. The boys reversed their car and parked it in front of the shop's gate. At that time, I noticed that the car's number plate was covered in mud, and the number visible was DL 2108, for a silver-colored 110-Barang-brand car. I unlocked my shop and, with their help, put 13 boxes

(Pett) of country liquor 'Malta' in the car's trunk. When I was returning to the shop after placing the boxes (Pett), two of the boys followed me inside. One of them showed me a pistol, and the other boy who had come with him took rupees 21,000 that I had placed in the shop's cash box. Seeing another car coming from the direction of Pilchiyan outside the shop, the three boys got into their car and fled towards Pilchiyan. Complainant prayed for taking legal action against above three boys.

5. *That during investigation, on 25.07.2025, the complainant came to the police station and recorded his supplementary statement (Annexure R-1) wherein he stated that "now, I have found out on my own that one of the three boys is Gagandeep alias Gagani son of Baljinder Singh resident of Ward No.1, Sardulgarh, Punjab; the second is Rashpal Singh alias Richhpender Singh alias Phulla (petitioner-accused) son of Basant Singh, resident of Purkani, Punjab; and the car's number is DL3CBP-2108. I have not yet found out the name and address of the third boy. I can identify all three boys if they come forward. He further stated that accused persons namely Gagandeep, Rashpal Singh alias Richhpender Singh alias Phulla and an unknown boy committed the crime at the liquor shop in village Pilchiyan."*

4. 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 petitioner's counsel 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"THE ROLE OF THE PETITIONER:

That the petitioner-accused. Rashpal Singh alias Richhpender Singh alias Phulla, in furtherance of criminal conspiracy with co-accused Gagandeep Singh alias Gagani and Harshdeep, participated in the robbery at the liquor vend. He, along with co-accused, approached the complainant, pretended to purchase liquor; entered the shop after liquor was loaded in the car; and thereafter, in concert with co-accused, robbed Rs. 21,000/- from the cash box while the pistol was brandished. His role is thus of an active participant, both in the planning as well as in the execution of the offence."

8. Allegations in nutshell against the petitioner are that he along with co-accused

robed the vendor for 13 (petti) box of liquor Malta; weapon used in the crime has already been recovered and period of more than one year has already been elapsed and liquor which was looted by petitioner and co-accused, as per status report some of the liquor consumed by them and rest of the same sold to an unidentified person, as such no ground is made out to send the petitioner for custodial interrogation. 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. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

10. 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. 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.

11. 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.

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	

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

	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.

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 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. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. This bail is conditional, with the foundational condition being 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 shall 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 as per their discretion, they may cancel this bail.

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

19. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

20. A certified copy of this order would not be needed for furnishing bonds, and any

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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

31.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.