

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54909-2024
Reserved on: 07.01.2025
Pronounced on: 22.01.2025

Teeka Ram @ Tikaram Pal and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nitin Narula, Advocate
for the petitioners.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0151	09.07.2024	Sadar Amritsar District Police Commissionerate Amritsar	380, 34 IPC

1. The petitioners incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 11 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:-

“Sir, it is requested that we Rajesh Kumar, Manohar Lal and Baldev Randhawa are property dealer at Ram Nagar Colony, Main Road, Majitha Road, Amritsar. Apart from this we have been doing the work of committees/kitties (including money and gold ornaments) with our known ones for the last 7-8 years. We are having a property dealing office comprised of two floors, on the ground floor is the office while on the first floor there is one rest room, ene bathroom and kitchen and two rooms for living at the back of the building. The building was the ownership of late Ram Lubhaya son of Charan Dass resident of Amritsar, who along with Rajesh Kumar had been doing the work of property dealer and committees/kitties for the last 25 years in the said building. Ram Lubhaya had great love and affection for Rajesh Kumar and Baldev Randhawa and have been sharing everything with us like a father. This building does not have any wall on any

side and this building stands alone from all sides. Thus, no outsider can enter the building except through the office main door. Migrants from Madhya Pradesh Teeka Ram son of Babu Lal Chhotu Lal Ram Nagar Colony, Majitha Road Amritsar (native resident of Pajnaari, District Sagar, Madhya Pradesh) and his wife Neetu have been staying in the building for the last 10-12 years and besides cleaning the office, Neetu used to make tea in the office and her husband had been selling vegetables at his rehri outside the office. They were also aware of all our activities. In the month of March/April as per routine we have collected committees/kitties from Various members and for the disbursement of the same we kept it in the suitcase and kept it in the almirah at the first floor of the office, which included cash money, gold ornaments valuing about Rs. 1,20,00,000/-, there is a possibility that if the money, gold ornaments are counted the value can be much more and also property documents. The suitcase went missing since the first week of April. Apart from this suitcase one suitcase of Ram Lubhaya also went missing from the almirah. Before the death of Ram Lubhaya he told them that there are gold ornaments in his suitcase which are to be given on the marriage of his grand-daughter and not to be given to anyone before the marriage. We started to search the suitcase. Our suspicion was on Teeka Ram and his wife but we had no evidence. Teeka Ram and his wife along with their family members left suddenly in the second week of April for their native place Madhya Pradesh without informing us. In order to inquire about their activities we secretly contacted some of their related persons in Madhya Pradesh and Amritsar. From their related persons in Madhya Pradesh, we came to know they are spending a lot and doing a lot of shopping after coming from Punjab in April. They have also entered into an agreement for the purchase of house of Rs.45,00,000/- and they paid Rs.25,00,000/- in cash on 03.05.2024 and Rs.20,00,000/- on 07.05.2024. The person who gave the information of their agreement has also sent us a copy of the agreement on whatsapp which is attached. Apart from this, more evidence like purchasing jewellery and video of purchased house has also been sent to us on whatsapp and has told that both husband and wife have stolen and brought your money, gold, jewellery and Teeka Ram's brother-in-law (Brother of Neetu) Hemraj Pal son of Mohan Pal resident of Bharkhara, Madhya Pradesh in also helping them to settle down with the money, gold ornaments and he is fully aware of your stolen goods. On which our suspicion turned into faith that these both husband and wife have stolen the suitcase containing gold, jewellery and documents and the suitcase of Ram Lubhaya. So, it requested that our money, gold, jewellery and documents be returned to us and FIR be registered against these three and legal action be taken."

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

“ROLE OF THE PETITIONERS

12. That it is submitted that the present case FIR No. 151 dated 09.07.2024 has been registered by name against the petitioners Teeka Ram and Neetu on the basis of written complaint filed by the complainant, wherein allegations against the petitioners are that they have stolen one bag and one brief case containing cash amount, gold ornaments and documents from office of the complainants, wherein the petitioners were residing with their children. The petitioners have made disclosure statements that they had stolen the cash amount, gold ornaments and documents, some of which they have spent and some gold ornaments were sold at different places and remaining cash amount and gold ornaments are with the co-accused Hemraj Paul.

ANTECEDENTS OF THE PETITIONERS

13. That it is submitted that as per information provided by Incharge CIA Staff-3, Amritsar, the petitioners Teeka Ram and Neetu are not found involved in any other FIR.”

7. Although there is sufficient prima facie evidence indicting and pointing towards petitioners' involvement and is sufficient for framing charges or launching prosecution but for the purpose of bail, the same should not be denied.

8. 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.

9. Per paragraph 9 of the bail petition, the petitioners have been in custody since 13.08.2024.

10. 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.

11. 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.

12. 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.

13. 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)	

14. This order is subject to the petitioner's complying with the following terms.

15. 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.

16. *This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.*

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

22.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.