

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57187-2024
Reserved on: 07.03.2025
Pronounced on: 17.03.2025

Vinay Pratap Singh @ Pashu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aniket Aggarwal, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
135	08.12.2023	E-Division, Amritsar	380, 457, 411 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In the bail application, the petitioner is silent about criminal antecedents. However, as per paragraph 13 of the status report/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR/GD No.	Dated	Offenses	Police Station
1.	258	02.10.2020	457, 380, 411, 34 IPC	Gate Hakima, Amritsar
2.	128	15.07.2020	25 of Arms Act	Gate Hakima, Amritsar
3.	13	28.01.2024	21 of NDPS Act, 379/411 IPC	Islamabad, Amritsar
4.	71	05.05.2019	61/1/14 of Excise Act	Gate Hakima
5.	17	30.01.2024	364, 323, 324, 148, 149 IPC	Gate Hakima
6.	34	05.04.2020	380, 411, 547, 201 IPC	D-Division

3. The facts and allegations are being taken from translated copy of FIR annexed with bail petition as Anneuxre P-1, which reads as follows:

“Chief Officer Police Station Kotwali Amritsar, Sir I request that I am Pawan Kumar son of Dharmapal resident of L.I.C COLONY KASHMIR AVENUE and I own a clothing shop in Kaku Shah's Hatti Karmo Diuri

and I close the shop at 9 o'clock at night. I went home as usual. When I opened the shop at 10 AM the next morning, I saw that the wooden box was broken and when I went to the first floor, trial room, I saw that the lamp and fan was broken and someone came from outside and the amount of money was placed in the galla was stolen. The person stole the said amount and the currency notes, I will tell you the total money stolen after calculating later on. I request action should 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 his 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 PETITIONER

14. That it is humbly submitted that the present petitioner Vinay Pratap @ Pashu has played main and pivotal role in furtherance of commission of crime. The present petitioner had been an employee at the shop of the complainant hence the present petitioner hatched a conspiracy to commit theft at the shop of the complainant. The present petitioner had entered into the shop of the complainant through exhaust fan, stolen the cash amount which was distributed among all three of them.

EVIDENCE AGAINST THE PETITIONER

15. That it is submitted that the present petitioner Vinay Pratap @ Pashu and co-accused Vasu Sandhu and Rohit @ Katt were firstly arrested in FIR No.13 dated 28.01.2024, under Section 21 NDPS Act, 379/411 IPC, PS Islamabad, Amritsar, wherein they all had made their respective disclosure statement with respect to having committed crime in the present case FIR No.135 dated 08.12.2023. Thereafter, during investigation of the present case FIR No.135 dated 08.12.2023, all three accused(s) had again made disclosure statements in this respect. One car Alto bearing No. PB02-AX-6822 which was purchased with the stolen amount, was recovered on the basis of disclosure statement of the petitioner.

16. That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the allegations levelled against the present petitioner Vinay Pratap @ Pashu are serious in nature. There is strong apprehension that the present petitioner can tamper with evidence by intimidating or influencing the prosecution witnesses, if he is released on bail, which would prejudice the trial of the

case. As such, the present petitioner Vinay Pratap @ Pashu is not entitled to the relief of regular bail.”

REASONING:

7. Allegation against the petitioner are of theft. 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. As per paragraph 8 of the bail petition, the petitioner has been in custody since 20.02.2024. As per the custody certificate dated 07.03.2025, the petitioner’s total custody in this FIR is one year and twelve days. 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.

8. 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.

9. 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.

10. 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)	

11. This order is subject to the petitioner’s complying with the following terms.

12. 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.

13. 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 be at liberty to cancel this bail.

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

17.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.