

CRM-M-54976-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54976-2025
Reserved on: 01.10.2025
Pronounced on: 28.10.2025

Manoj Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Imran Farooqi, Advocate (Through VC)
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
34	23.03.2022	City Ahmedgarh, District Malerkotla	379, 411, 483 IPC

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. In paragraph 7 of the bail petition, the petitioner declares that he has one more pending case except the present one, details of which are not mentioned.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That pursuant to the said order, it is respectfully submitted that the brief factual matrix pertaining to the present case are that On 23.03.2022, complainant Amandeep Singh, son of Harbans Singh, resident of Latala, Police Station Jodhan, District Ludhiana, aged about 35 years, reported that he had parked his motorcycle Splendor PRO (Black), bearing registration No. PB-10DT-4123, in front of his office in the morning. At around 1:30 PM, Gurdeep Singh, son of Darsan Singh, resident of Babarpur, Police Station Maloud, District Ludhiana, along with his companion Jagsir Khan, son of Sardar Ali, resident of Sihora, Police Station Maloud, District Ludhiana, came to the complainant's office. Gurdeep Singh introduced Jagsir Khan as his friend and stated that he

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was there to pay the loan installment through the company's mobile application. After completing the transaction, both of them left together. Later, at about 4:00 PM, when the complainant came out of his office, he noticed that his motorcycle was missing from the place where it had been parked. Despite searching, the vehicle could not be traced. The complainant suspected Gurdeep Singh and Jagsir Khan of committing the theft of his motorcycle. While proceeding to the police station, he met a police party at Dhurkot Chowk, Ahmedgarh, and narrated the incident. His statement was recorded and duly verified. On the basis of the complaint, an offence under Section 379 IPC was found to be made out. Accordingly, a case was registered against Gurdeep Singh and Jagsir Khan Resident of Maloud, District Ludhiana.

Accordingly the present FIR No. 34 dated 23-03-2022 Under section 379, 411, 483 IPC was registered at PS City Ahmedgarh against Gurdeep Singh and Jagsir Khan Resident of Maloud, District Ludhiana and investigation commenced.”

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. Counsel further 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.

5. The State's counsel opposes bail and refers to the reply.

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

“B. Evidence against the petitioner:

That apart from the disclosure statement of co-accused Jagsir Khan, there is no other evidence linking the petitioner to the commission of the alleged offences. The recovery of motorcycle has been effected from the shop i.e. Care of Bawa Auto Dealer, situated at Sarour Bypass, Malerkotla which is owned vby the present petitioner. Thus, the so-called evidence against the petitioner is circumstantial, and admissible in law when considered independently.

C. The role of the petitioner:

That as per the prosecution version, the role attributed to the petitioner is that one of the stolen motorcycles was allegedly was purchased by the present petitioner and found parked at his shop premises, which is said to have been pointed out by co-accused Jagsir Khan during interrogation. It is respectfully submitted that his role, if any, is confined to the alleged presence of a motorcycle at the place of his work and he purchased the same as per the disclosure statement of co-accused.”

REASONING:

7. There is no direct evidence against the petitioner except the disclosure statement of co-accused Jagsir Khan. Rather now the motorcycle has been recovered and thus no purpose would be served by sending the petitioner behind bars.

8. 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.¹ Personal 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

9. 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.

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.

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.

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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 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. 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. 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.

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17. 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.

18. 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.

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

20. 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.

21. 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.

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

(ANOOP CHITKARA)
JUDGE

28.10.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.