

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-62427-2024
Reserved on: 22.04.2025
Pronounced on: 29.04.2025

Ranbir...Petitioner

Versus

State of Haryana...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aashish Kumar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
132	12.02.2019	City Karnal, District Karnal	379/411/473/201/395/120-B IPC and 25/54/59 of Arms Act

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

2. Per paragraph 12 of the bail application and 15 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	171	11.04.2015	323/325/34 IPC	Assandh, Karnal
2	132	14.03.2022	174-A IPC	City Panipat
3	132	12.02.2019	379/411/120-B IPC and 25 of Arms Act	City Karnal
4	257	06.09.2011	457/380 IPC	Kundli, Sonapat
5	681	05.08.2011	379 IPC	Chandni Bagh, Panipat
6	661	05.08.2011	379 IPC	Assandh
7	62	29.01.2021	457/380 IPC	Assandh
8	747	02.09.2018	279/336 IPC and 61 of Excise Act	Civil Lines, Karnal
9	26	31.01.2019	379/411 IPC	Tarn Taran
10	428	12.07.2017	174-A IPC	Assandh, Karnal
11	438	15.07.2017	174-A IPC	Assandh, Karnal
12	200	27.02.2017	323/326/427 IPC	Assandh, Karnal
13	256	19.07.2012	457/380 IPC	Assandh, Karnal

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That it is submitted that FIR No.132, dated 12-02-2019, under section 379,411,120-B of IPC & 25 of Arms Act was registered at police Station City, Distt. Karnal (Annexure P-1) in which the main are allegation that the investigating officer alongwith police official stopped truck bearing regt.No. PB-13-AW-9889 on the basis of secret information. When the investigating officer asked about the paper of the truck or bill of the loaded good, petitioner/ accused could not give any satisfactory answer nor could he produced any proof of ownership. During checking of the cabin of the truck a spring-loaded knife of steel was found under the long seat mattress in the cabin. The tarpaulin of the truck was opened and checked 465 bags of rice were found which contain 50 kg of rice in each bag. The knife, rice bags and number plate were taken into police possession vide recovery memo. During the course of investigation, the petitioner/accused suffered his disclosure statement vide which he disclosed that he along-with co-accused Rajinder and Narinder had stolen the truck bearing No. PB-09-X-6981 loaded with 465 bags of rice from a hotel Light Wala Chowk, Amritsar. The petitioner and co-accused changed the previous jute bag of rice and putting the rice in jute bags of Durga Trading Company and all the previous jute bags were burnt by them. Co-accused Daljit @ Babu arranged for another truck bearing No. PB-13-AW-9889 and the rice bags were loaded same in that truck and the was parked under a shed at New Grain Market, Karnal and the petitioner/ accused was supervising the truck at the time when he was apprehended and co-accused had gone for making arrangement to sale the rice. The petitioner-accused also disclosed that Daljit @ Babbu was having pistol at the time of committing of present offence and co-accused Narinder had driven the truck from Amritsar to Karnal.”

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. Counsel for the petitioner submits that the petitioner was earlier on bail but due to non-appearance, he was declared proclaimed offender and now he is in custody from the last more than 04 months.

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:

“12. That the role of the petitioner/ accused is that he alongwith co-accused had stolen the truck bearing No. PB-09-X-6981 loaded with 465 bags of rice from a hotel Light Wala Chowk, Amritsar. The petitioner and co-accused changed the previous jute bag of rice and putting the rice in jute bags of Durga Trading Company and all the previous jute bags were burnt by them. Co-accused Daljit Babu arranged for another

truck bearing No. PB-13-AW-9889 and the rice bags were loaded in that truck and the same was parked under a shed at New Grain Market, Karnal and the petitioner/accused was supervising the truck at the time when he was apprehended and co-accused had gone making arrangement for to sale the rice. Co-accused Daljit @ Babbu was having pistol at the time of committing of present offence and co-accused Narinder had driven the truck from Amritsar to Karnal.”

7. 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. Petitioner was earlier granted bail by Sessions Court on 17.12.2019, as such this Court is inclined to grant bail.

8. Per paragraph 8 of the bail petition, the petitioner has been in custody since 20.01.2024. Per the custody certificate dated 21.04.2025, the petitioner's total custody in this FIR is 04 months and 15 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner was earlier on bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. 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 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.

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 shall attend the Trial on every date and shall not seek single adjournment without cogent reason.

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. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. **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 have the liberty to 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. 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.

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

(ANOOP CHITKARA)
JUDGE

29.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.