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CRM-M-64321-2024 (O&M)

223

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64321-2024 (O&M)

Date of Decision: 09.01.2025

DILPREET SINGH @ PREET

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Satvir Singh, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.176 dated 04.11.2024, registered for the offences punishable under Sections 303(2) and 317(4) of BNS, 2023 (Section 317(2) of BNS, 2023 added later on) at Police Station Dirba, District Sangrur.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of Ruqa, SHO Police Station Dirba, Jai Hind Fateh, Today I ASI along with SC Jagsir Singh 891/Sang:, SC Jaspreet Singh 1011/Sang:, PHG Hoshir Singh 47955 along with private laptop and printer on Private Vehicle in relation to the checking and patrolling were present near grain market, Dirba. It will be 7:30 PM that the special informer informed me ASI in separation that Dilpreet Singh alias Preet son of Manpreet Singh resident of village Dirba on his motorcycle number PB 86 1521 brand Splendor color black along with his accomplice Lallu son of Kala Singh resident of Dirba, stole sacks full of paddy from the grain market Dirba, one by one for several days. They take it and sell it to Vijay Kumar son of Saroop Chand, a resident of Dirba, who today stole paddy bags and sold it to the said Vijay Kumar. In this way, Dilpreet Singh and Lallu residents of Dirba stole a large quantity of government paddy sacks and By putting in white plastic bags had sold to Vijay Kumar at a cheap price, which Vijay Kumar has kept the purchased stolen paddy bags hidden somewhere. If the said persons are apprehended and checked, then

**CRM-M-64321-2024 (O&M)**

a huge amount of stolen paddy bags can be recovered from them. Stealing paddy sacks by above said Dilpreet Singh and Lallu and purchase of stolen paddy sacks by the said Vijay Kumar fulfills 303(2), 317(4) BNS 2023. Information being true and reliable, After preparing ruqa on laptop and by taking out a printout through the printer, PHG Hoshiar Singh 47955 is sent to police station with Ruqa to register the case against the accused Dilpreet Singh, Lallu and Vijay Kumar. Information about the registration File number be given after registration of FIR. In-charge control room Sangrur be informed through email. I ASI along-with other employees is going to busy in investigation. Sd/-Narinder Singh ASI Police Station Dirba Date 04-11-2024 at:- Near Grain Market Dirba Time: 8:00 PM.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.11.2024. Learned counsel for the petitioner has submitted that the petitioner is a young man aged 20 years with no criminal antecedents. Learned counsel for the petitioner has further submitted that the prime allegations against the petitioner are of having stolen 10 bags of paddy. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 04.11.2024. Investigation of the FIR is still under progress. Presentation of the challan, if the petitioner is found culpable & culmination of the trial therein will take its own time. The rival contention of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question and what is the exact amount of paddy bags alleged to have been stolen by him; shall be gone into during the course of trial. This Court does not deem it appropriate

**CRM-M-64321-2024 (O&M)**

to delve deep into these rival contentions, at this stage, lest it may effect the investigation/trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the investigation. As per the custody certificate dated 08.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 02 months and 03 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police



CRM-M-64321-2024 (O&M)

Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

09.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No