

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65455-2024
Reserved on: 03.02.2025
Pronounced on: 07.02.2025

Gurwinder Singh @ Gora ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shubham Kaushik, Advocate
for the petitioner.

Mr. Rubal Pawar, Addl. A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
104	28.05.2024	City-II, Khanna, District Ludhiana	379-B, 411, 201 IPC

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. In paragraph 2 (IX) of the bail petition, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	251/2024	-	323, 324, 427 IPC	Yamuna Nagar City

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

“2. That the brief facts of the case are that the present FIR no. 104 dated 28-05-2024 was registered U/s 379-B IPC at police Station City-2 Khanna against Harpreet Singh @ Happy, Gurwinder Singh @Gora (present petitioner) and Arshdeep Singh @ Babbu on the basis of the statement of complainant Anju Verma to the effect that on the evening of 25-05-2025, while the complainant was returning home after purchasing vegetables from vegetable vendor at Peerkhana Road, Khanna nearby her house, then at about 7:15 PM three hair cut young men came on scooter, one of them snatched the gold chain along with gold

locket of the complainant from her neck. Thereafter, the complainant inquired about the snatchers, and then the complainant came to know Gurwinder Singh @ Gora and co-accused Harpreet Singh @ Happy they disclosed that on 25-05-2024 they along with co-accused Arshdeep Singh @ Babbu snatched the gold chain along with the locket of the complainant Anju Verma on the Activa Scooter bearing no. PB-10-FQ-2434 and after selling the gold chain they consumed Chitta (intoxicant substance). Consequently, section 211 IPC was added in the present case.”

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. He further prays for grant of bail on parity with co-accused and refers to Annexures P-5 and P-6.

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

5. That the role of the petitioner Gurwinder Singh @ Gora is that the petitioner along with his co-accused Arshdeep Singh @ Babbu and Harpreet Singh @ Happy snatched the gold chain along with the Locket of the complainant and caused disappearing the same by selling it. Hence, the petitioner along with his co-accused committed a serious offence.

Evidence against the petitioner

6. That the petitioner Gurwinder Singh @ Gora, is one of the primary accused in the present case, having been involved in the snatching of a gold chain and locket from the complainant, Anju Verma, on 25-05-2024. The petitioner along with his co-accused, Harpreet Singh @ Happy and Arshdeep Singh @ Babbu, have committed the crime while using a stolen Activa scooter. The stolen scooter was also recovered from their possession, further linking the petitioner to the offence. Hence, the present petition is liable to be dismissed.”

REASONING:

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.

8. Per the custody certificate dated 02.02.2025, the petitioner’s total custody in this FIR is 08 months and 03 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, case of the petitioner falls on parity with

co-accused 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 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.

15. 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.

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 have the liberty to cancel this bail.**

17. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

07.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.