



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRM-M-66661-2025 (O&M)

Date of decision: 01.04.2026

Jaimal Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vipin Mahajan, Sr. Advocate with
Ms. Gaganbir Kaur Kahlon, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

Mr. Rahi Mehra, Advocate for the complainant
(through V.C.).

VINOD S. BHARDWAJ, J. (Oral)

Present petition has been filed for seeking pre-arrest bail in case bearing FIR No. 238 dated 29.08.2024 for offence(s) under Sections 331(4), 305, 317(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Civil Lines Batala, District Gurdaspur.

2. Short reply filed by way of affidavit dated 12.01.2026, on behalf of respondent-State, is already available on file and the same is taken on record. Registry is directed to do the needful.

3. The matter came up for hearing before this Court on 28.11.2025 when the following order was passed: -

“This petition has been preferred by the petitioner under Section 482 BNSS, 2023 for grant of anticipatory bail in case FIR No.238 dated 29.08.2024, registered under Sections

331(4), 305, 317(2) BNS, 2023, at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner submits that the case of the prosecution is that 3.12 kgs. gold and cash amounting to Rs.55 lakhs were stolen from the house of the complainant. Initially, the driver of the complainant, namely, Babu was arrested, who, in his disclosure statement, has named three persons, namely, Deepak Singh, Raju and Rajinder Singh and thereafter, they named the present petitioner after one month of the alleged incident alleging that he had shared some amount of the stolen articles. Learned counsel, however, submits that besides the disclosure statement of co-accused, there is no incriminating evidence which would connect the petitioner with the commission of offence.

Notice of motion.

On the asking of the Court, Mr. Rishabh Singla, AAG, Punjab, accepts notice on behalf of the State and prays for time to file reply/status report. He may do so by the adjourned date with an advance copy to the opposite counsel.

List on 15.01.2026.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation as and when required and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade*

him/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave India without prior permission of the Court;

iv) such other condition as may be imposed under subsection (3) of Section 480, as if the bail were granted under that section.”

4. The matter was thereafter adjourned to 15.01.2026. On the said date, counsel for the complainant entered appearance, and the case was adjourned to 23.04.2026; however, on account of an administrative order, the hearing was preponed from 23.04.2026 to 18.03.2026. On the said date, counsel for the complainant sought time to file a reply. The said prayer was accepted and the matter was adjourned for today. Reply has not been filed on behalf of the complainant.

5. Learned Senior counsel for the petitioner contends that the present FIR was registered on the statement of Shyam Lata Aggarwal, who stated that she lives alone in her house and that all other family members are residing outside. It is stated that, while she and her family were out, certain persons entered the house and decamped with cash and gold Jewellery. It was informed that an amount of Rs. 20 lakh in cash and nearly 1.2 kg of gold were stolen from the complainant's house. Later a supplementary statement was recorded. In her supplementary statement, the figure increased to 3.12 kgs. of gold instead of 1.2 kgs. and the cash amount was increased from Rs.20 lakhs to Rs.55 lakhs. It was further alleged in the supplementary statement that their Driver-Babbu committed the robbery along with Raju, Deepak Singh and Rajinder Singh. It is contended that the said accused were later arrested. Co-accused/Raju was arrested on 12.09.2024, and

Rs.7.91 lakhs in cash and about 1 kg of gold were recovered from him. He further informed that Rs.3.10 lakhs had been spent by him on the purchase of a Verna car, which was also recovered. The I-20 car used in the commission of the alleged offence belonged to the co-accused/Deepak Singh. Eventually, on the disclosure of Raju, one Sukhdev Singh @ Ghosa and the petitioner were nominated as accused vide DDR No.33 dated 13.09.2024 after about 2 weeks of the incident. It was stated that co-accused/Sukhdev Singh @ Ghosa was arrested on 10.03.2025, and on his disclosure, Satnam Singh, Sahil Pathak, Komalpreet Kaur, Anjali, Gurjeet Singh, Rajni and Sunny were also nominated as accused vide DDR No.44 dated 10.03.2025.

6. Learned Senior counsel for the petitioner contends that the solitary allegation against the petitioner is that he had merely accompanied the other accused persons. No other overt act has been attributed against the petitioner. It is further contended that the petitioner has no criminal antecedents and there is no link evidence to establish that he is associated with other co-accused in any manner. Hence, the petitioner's case would be on a different footing as compared to other accused persons.

7. Learned State counsel on instruction from Assistant Sub-Inspector Sukhwinder Singh submits that pursuant to the interim order dated 28.11.2025 passed by this Court, the petitioner joined the investigation and is not required any further. It is submitted that the petitioner further informed that he too was deceived by the other co-accused and they duped him after drugging and left without giving him any share.

8. Counsel for the complainant, however, contends that the

anticipatory bail petitions of other co-accused, i.e. Sukhdev Singh @ Ghosa, Deepak Singh, Sahil Pathak and Babbu (Driver) have already been dismissed up to the Hon'ble Supreme Court.

9. Learned Senior counsel appearing on behalf of the petitioner, however, contends that the case of the petitioner is distinguishable from other co-accused since actual recovery had been effected from them, whereas no such recovery has been or is to be effected from the petitioner. He contends that the respondent-State has not made any disclosure about the criminal antecedents of other persons.

10. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition, with their able assistance.

11. Having heard learned counsel for the respective parties and having gone through the documents appended with the present petition, I am of the opinion that learned Senior counsel for the petitioner has been able to distinguish his case from the other co-accused on factual aspects as the name of the petitioner cropped up only on the disclosure but no overt act has been attributed to him. Besides, the petitioner has already joined the investigation and learned State counsel himself submits that the petitioner is no longer required for any recovery purposes. Hence, there would be arguable issues with respect to his active participation and he being in possession of alleged spoils. On a specific query, learned State counsel is however not in a position to offer any response as to whether they had also verified the claim made by the complainant with respect to the gold articles and cash stated to be stolen from her house.

12. Learned State counsel, on instruction from Assistant Sub-Inspector Sukhwinder Singh, reiterates his averment and submits that further custodial interrogation of the petitioner is not required for investigation.

13. In light of the facts noted above, the present petition is **allowed** and the interim order dated 28.11.2025 is made absolute.

14. However, if required, the petitioner(s) shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

01.04.2026
Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No