



CRM-M-18669-2025

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

CRM-M-18669-2025

Date of Decision: 01.07.2025

Bheem Sain

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Dhillon, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
75	02.07.2024	Bahavwala, District Fazilka	379, 148, 149 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 8 of the bail petition, the accused declares that he has no criminal antecedents.

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

“(i). The FIR in question was registered against five accused namely (1) Bheem Sain son of Jai Bhagwan (present petitioner) (2) Sonu son of Kalu Ram (3) Bheem Sain son of Vijay Pal (4) Vinod Kumar son of Satvir and (5) Partish Kumar son of Pappu Ram on the statement of Parveen Kumar son of Vishnu Kumar.

(ii). As per the investigation, the allegations against the accused are that the accused armed with weapons, entered the shop of the complainant and gave beatings to him and they took the motor cycle of the complainant.

(iii). During the investigation conducted so far, it has been found that the complainant is running Digital Studio at Village Sitto Gunno. On 21.06.2024 the complainant was present in his shop. The accused persons armed with weapons entered the shop of the



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complainant and after giving beatings to him, took away the motorcycle of the complainant. The matter is under investigation.

(iv). The petitioner has joined the investigation on 10.04.2025 on directions of this Hon'ble Court but he did not get recovered the stolen motorcycle."

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. Petitioner seeks bail on the grounds of parity with co-accused who have been granted bail by this Court.

5. The State's counsel opposes bail and refers to status report.

6. It would be appropriate to refer to the following portion of status report which reads as follows:

"C. The role of the petitioner – The petitioner and co-accused took away the motor cycle of the complainant after giving beatings to the complainant. The petitioner actively participated in the commission of crime."

7. FIR relates to 2024; the Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

8. Co-accused has already been granted benefit of anticipatory bail. As concerned the recovery, it can be made by police by joining the petitioner into investigation, as such no ground is made out to deny him bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, co-accused already granted bail and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the 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



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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. 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.

14. 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.

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 may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.



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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

01.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.