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

CRM-M-41924-2025

Date of Decision:08.08.2025

Kuldip Singh alias Deepa

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Daljeet Singh Randhawa, Advocate for
Mr. A.S.Manaise, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.7 dated 19.01.2024, registered under Sections 458, 385 of IPC (Sections 201, 392 IPC added later on), at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

2. The FIR in the present case was registered on the basis of the statement made by Gurdeep Singh son of Sohan Singh and the same has been reproduced below:-

“Statement of Gurdeep Singh son of Sohan Singh resident of Gag Sultan, PS Dasuya, District Hoshiarpur, aged about 45 years, Mobile No.95551-91604. Stated that I am a resident of the above said address and working as a Munshi at Cheema Bricks, village Gahlowal. During the intervening night of 18.01.2024 and 19.01.2024 at about 2:00 AM, when I was lying asleep in the room, I heard some noise, upon which I opened the door and saw 3

persons with muffled faces, who entered inside and they caught hold of me. They took away Rs.24,000/- from the cash box along with 2 mobile phones having SIM No.8437657607 and 98886-11408 lying on the table. They were armed with datars and during scuffle, I sustained minor injury on my left hand. They bolted the door of my room from outside and they also committed theft of LCD installed in the adjoining room. They also took away one Swaraj tractor bearing registration No. PB-07-L 2606 model 2001 parked at the brick kiln. Other persons were also accompanying them. Since there was fog, they could not be seen. Statement has been got recorded, has been heard, is correct. Action be taken Sd/- Gurdeep Singh”.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR, nor there was any averment, which connected him with the commission of crime. Even, it was registered against unknown persons and the petitioner was involved by recording a false disclosure statement in another criminal case. He further contends that even the tractor, which was allegedly stolen and is the subject matter of the present case, has already been recovered. The petitioner was arrested in the present case on 29.04.2024 and is in custody for the last almost 01 year and 03 months. He further contends that the final report of investigation has been presented in the present case, however, no witness has been examined so far. Consequently, the trial is not likely to conclude in near future. He further submits that similarly placed co-accused, namely, Parasdeep Singh alias Paras has been granted the concession of bail by this Court vide order dated 10.07.2025 passed in CRM-M-61427-2024 (Annexure P-2).

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that

06 more cases were ordered to be registered against the petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, no doubt the petitioner is facing a serious charge on the basis of the allegations levelled in the present FIR and is involved in other cases, however, he cannot be detained as an under-trial prisoner for indefinite period. This Court is of the opinion that the present petitioner has already suffered incarceration for a period of 01 year and 03 months and the trial is not likely to conclude early. Further, the apprehensions expressed by learned State counsel can be allayed by imposing stringent conditions on the petitioner, while ordering is released on bail.

7. At this stage, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) 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 to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

08.08.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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