

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

CRM-M-33904-2025  
Reserved on: 01.08.2025  
Pronounced on: 29.08.2025

Shakila ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arshad Ali, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
161	06.06.2025	Rama Mandi, District Jalandhar	331(3), 305 BNS (Section 317(2) BNS added later on)

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. Per paragraph 16 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

*“Statement of Sandeep Singh s/o Amarjeet Singh r/o House no. 1 Beant Nagar, Jalandhar Age around 33 years stated that I am a resident of above said address and I do a private job. On 04.06.2025 I along with my wife Kajal came back to our house at around 06:00 PM and when we entered the house we saw that the lock of the room is broken and then I went to the other room and saw that the lock on the door of that room was also broken. When I went inside I saw that all the things were messed up and when I checked the Almirah, the gold that was in Almirah which included one gold ring (Gents), one Chain, Lady's earrings, 3 sets of Silver Bangles (Lady's and children's), Silver Jhanjar and Silver Chain were stolen and gas cylinder of Indian company and Rs. 10,000/- cash were stolen and the silver utensils kept in the small mandir of the house were also stolen and money from the Gullak has also been stolen. That we inquired about the theft at our house and I found that the person who has committed theft at my house in Goldy @ Bandri s/o Manglesh r/o Jogiya Chugitti, Rama Mandi, Jalandhar. This person has stolen*

*Jewellery and cash from my house, Kindly take required legal action against the person who has committed theft and kindly get me my things back. XXXX”*

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.

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:

*“C. The role of the petitioner:*

*Co-accused Goldy Bandri (son of the present petitioner) committed theft in the house of the complainant and he got recovered the stolen Gas Cylinder along with Silver Bangles as per his disclosure statement. He further disclosed that the remaining stolen articles were handed over by him to his mother (present petitioner) and earlier he used to commit petty thefts and used to hand over the stolen articles of all such thefts to his mother (present petitioner).”*

7. Name of the petitioner surfaced in the disclosure statement of co-accused Goldy @ Bandri (son of the petitioner) and recovery has already been effected from him and there would be no justification for pre-trial incarceration or custodial interrogation.

8. 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, petitioner is a woman 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 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.**

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.

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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

29.08.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.