

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

CRM-M-35171-2025
Reserved on: 11.07.2025
Pronounced on: 16.07.2025

Rajwinder Singh @ Raju ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|--------------------------------|--|
| 64 | 12.08.2023 | Ladhowal, District Ludhiana | 379-B(2) IPC (Section 411 IPC added subsequently) |

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. Per custody certificate dated 10.07.2025, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Date | Offenses | Police Station |
|---------|---------|------------|-------------------|----------------|
| 1. | 62 | 27.04.2022 | 454, 380, 411 IPC | City Jagraon |
| 2. | 194 | 03.10.2022 | 454, 380, 411 IPC | City Jagraon |

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

"Station House officer, Police Station Ladhowal Ludhiana "Jai Hind" Today I S.I. along with HC Jeetu Kumar No. 2070/Ludhiana and HC Hardeep Singh No. 3407: Constable Parminder Singh No. 4100 Ludhiana on a private vehicle were present at Hambda Chowk in connection with patrolling and in search for suspicious persons, then a son secret of informer approached I S.I. and confidentially informed that Jang Singh Rajwinder Singh alias Raju resident of village Tuggal, Police Station Sudhar, Jagraon, at present tenant in the house of Kuldeep Singh (Driver), Back Side Power House, Sidhwan Bet Road, Jagraon, Ludhiana, is in the habit of snatching

and robbing people by showing weapons and inflicting injuries. He already has several cases registered against him. He is currently at the Water Channel Bridge, near Gandhi Poultry Farm, Chakk Road, Hambara, Ludhiana, to sell stolen mobile phones. He is wearing a blue and brown checked shirt and blue denim pants. If a raid is conducted now near the Water Channel Bridge, near Gandhi Poultry Farm, Chak Road, Hambara, Ludhiana, Rajwinder Singh alias Raju can be apprehended with the stolen mobile phones. The said information is confirmed and reliable, Rajwinder Singh's act of showing weapons and inflicting injuries to snatch and rob people constitutes an offense under Section 379B-2 of the Indian Penal Code. Therefore, this raga is being typed for the registration of a case and is being through sent Constable Parminder Singh No. 4100/Ludhiana at the police station. The case should the case number should be registered and communicated. Special reports should be issued. I S.I. along with accompanying staff is departing for the Water Channel Bridge, near Gandhi Poultry Farm, Chak Road, Hambara. Sd/- Gurmeet Singh.”

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 undertakes to live like a decent human being and shall not indulge himself in any offence.

5. The State's counsel opposes bail based on instructions.

REASONING:

6. The trial is going on, three witnesses have already been examined and the petitioner is in custody from the last around 01 year and 11 months and given the undertaking, this Court deems it appropriate to give him a chance to course correct.

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 paragraph 9 of the bail petition, the petitioner has been in custody since 12.08.2023. Per the custody certificate dated 10.07.2025, the petitioner's total custody in this FIR is 01 year, 10 months and 26 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, period already undergone 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. 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.

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

(ANOOP CHITKARA)
JUDGE

16.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.