

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

CRM-M-40613-2025
Reserved on: 08.09.2025
Pronounced on: 25.09.2025

Khushdeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Hitesh Verma, Advocate
for the petitioner (through V.C.).

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
58	01.05.2025	Raman, District Bathinda	309(4)/309(6) BNS

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, petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“Statement of Roshan Kumar Son of Abhinandan Yadav Son of Suraj Narayan Yadav resident of Village Agaar, Police Station Shri Nagar District Madhepur, Bihar presently residing at Dana Mandi, Village Manwala, District Bathinda, aged about 23 years. Mobile No. 62011-03383. Stated that I am resident of above said address and a labourer. Every year, we came to Rama Mandi, District Bathinda in season of rice and wheat for work of porter (Palledar). This year also, I along with my cousin namely Siham Kumar Son of Dukhan Yadav resident of Gopipur. District Madhepur and other two labourers came to Rama Mandi for the work of labour for Arun Kumar alias Kadi Charna resident of Rama Mandi Arun Kumar works as commission agent at Village Mamwala so Arun Kumar has hired us as a porter at Village Manwala Today at 07:15PM. I went to defecate behind the bushes Near Railway Lines at Dana Mandi. Manwala. I had Rs. 25,000 in my pocket, which were taken by me from Arun Kumar on his shop at Rama Mandi When I was sitting in the bushes then two young persons were come from railway line and one of the

persons held me from back side and other person took Rs. 25,000- from my pocket When I tried to rescue myself then they hit punches When I shouted then above said Siham Kumar and other laborers came and they caught one of the persons and other person fled away with money. When we were informing about this to our commission agent Arun Kumar, then three persons having sticks and one lady came to us at Dana Mandi and they started beating us. Due to which, one Siham Kumar and one other labourer suffered injuries. After beating us, they took the person caught by us. Before leaving, they forcibly snatched my vivo phone. We have taken Siham Kumar and other injured person to Civil Hospital, Raman. Then they were taken to Civil Hospital, Bathinda by my friends. After inquiry it transpired that the person who snatched our money and phone and who gave us injuries were earlier working as labourer under our commission agent Arun Kumar and these persons, who snatched money from me were namely Khushdeep Singh alias Tota Son of Gurcharan Singh Member, Gurpreet Singh alias Kali Son of Jagsir Singh resident of Manwala. The persons who came with sticks and gave injuries and forcibly took away from me, took away their persons and took away my mobile phone, they were Gurwinder Singh alias Ginda Son of Jasvir Singh. Khushpreet Singh alias Mangu Son of Bhinder Singh alias Beera and Karamjeet Kaur Wife of Jasvir Singh resident of Manwala. I along with above said Arun Kumar was going to Police Station for giving information, you have met. I have got recorded statement to you, listened and found to be correct. Legal action be taken against above said persons. Sd/- Roshan Kumar above said. endorsement by Sd/- Arun Kumar and attested by Sd/- Iqbal Singh, ASI PS Raman, District Bathinda Dated 30.04.2025."

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 petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"C. The role of the petitioner.

It is submitted that as per the statement of complainant, accused/petitioner Khushdeep Singh alias Tota accompanied with accused Gurpreet Singh alias Kali given beatings to the complainant Roshan Kumar and snatched Rs.25,000/- from him."

8. Since no specific injury is attributed to the petitioner and given the fact that petitioner has clean antecedents, as such, this Court wants to afford him an opportunity to course correct and recovery of the proceeds of crime can be effected by joining the petitioner into investigation.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

10. 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.

11. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner's clean antecedents and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

12. 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.

13. 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.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

14. 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)	

15. 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, cooperate in recovery of proceeds of crime 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.

16. 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.

17. 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.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this

bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

25.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.