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

**CRM-M-20669-2024 (O&M)
Date of Decision : 07-05-2025**

Vinod Kumar

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-26865-2024 (O&M)

Ashwani Kumar @ Happy

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Saron, Advocate
for the petitioner in CRM-M-20669-2024.

Mr. Dhiraj Jindal Advocate
for the petitioner in CRM-M-26865-2024.

Mr. Akshay Kumar, AAG, Punjab.

Ms. Archana Rau, Advocate
Ms. K.T. Rau, Advocate and
Mr. Ashish Sharma, Advocate
for the complainant.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
64	4.12.2023	GRP Sangrur, District Govt. Rly. Police (Punjab)	170, 171, 379B, 506, 34 IPC

1. This order shall dispose of two petitions as mentioned above. For the sake of brevity, facts have been taken from *CRM-M-20669-2024 titled as Vinod Kumar vs. State of Punjab*.

2. The petitioner(s) apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC (Now 482 of Bharatiya Nagarik Suraksha Sanhita, 2023), seeking anticipatory bail.

3. In paragraph 19 of the bail petition (CRM-M-20669-2024) and paragraph 25 of the CRM-M-26865-2024, the petitioners-accused declared that they have no criminal antecedents.
4. Vide orders dated 27.5.2024, interim bail was granted to the petitioner(s), which is continuing till date.
5. The facts and allegations are being taken from the reply dated 2.8.2024 filed by the State, which reads as follows:

“2.it is submitted that brief facts of the case are that on 04.12.2023, LR/ASI Kuldeep Singh No.737/GRP Police Station, GRP, Sangrur alongwith police officials was conducting the checking of suspicious persons at 1-10 P.M. near stair-case bridge Railway Station, Sangrur. Then complainant Raju Ram son of Govardhan Ram resident of village Sarona, Police Station, Sarona Tehsil Sri Dungargarh, district Bikaner (Rajasthan) got recorded his statement before LR/ASI Kuldeep Singh. As per his statement, on 04.12.2023 at about 2-50 hours in train No.12455 Express Sarai-Rohila at Railway Station, Sangrur, two unknown persons in Police Uniform took his Mobile Phone from the pocket of his trouser at Railway Station, Sangrur. At the same time, their third person also came there. Thereafter they snatched the hand bag and backpack containing gold ornaments from the complainant and threatened to the 2 complainant that if he raised alarm, then they will kill him. As per statement of complainant, the estimated value of the gold ornaments was Rs.75,00,000/-. The complainant further stated that the actual value of the gold ornaments can be stated by the company.”

6. The petitioners' counsel submits that the petitioners have been nominated as accused on the basis of disclosure statement of co-accused and all recoveries have been effected. Both the counsel, on instructions, undertake that petitioner(s) shall live like decent human beings and would not repeat the offence and if they do so, petitioner(s) have no objection if the State files application for cancellation of bail in the present FIR as well as other pending FIRs. They further pray for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family. They further submit that the matter has otherwise been compromised between the parties.
7. The State's counsel opposes bail and refers to the reply.
8. Counsel for the complainant submits that the matter stands compromised and they have no objection if bail is granted to the petitioner(s).

REASONING:

9. Petitioners were released on interim bail and in the interregnum, there is no allegation against them that they did not join investigation or not cooperated with the investigator or threatened any witness having acquaintance with the present case.

10. Given the above, the penal provisions invoked coupled with the *prima facie* analysis of the nature of allegations, fact of compromise having been effected between the parties and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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. As such, petition is allowed and order dated 27.5.2024 is hereby made absolute. All pending application(s), if any, shall stand disposed of.

07-05-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO