



CRM-M-13981-2025

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279 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13981-2025

Date of decision: 14.05.2025

GAGANDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Deepak Kumar Arora, Advocate (through video conferencing)
for the petitioner.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
128	12.11.2024	Bhikhiwind, District Tarn Taran	318(4)/303(2) of BNS, 2023

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 10 of the bail petition and para 9 of the reply/custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offence	Police Station
1.	160	13.12.2010	457/380/411 of IPC	City Zira
2.	177	18.09.2012	379/411 of IPC	City Zira
3.	163	30.05.2015	22 of the NDPS Act	City Jalalabad
4.	240	01.04.2018	42 Prison Act	City Ferozepur
5.	246	05.09.2020	52-A of the Prison Act	City Ferozepur
6.	74	08.05.2021	295/379/411 of IPC	Veroke, Fazilka
7.	86	05.06.2022	420 of IPC	City Jalalabad
8.	215	08.09.2022	420 of IPC	Sri Muktsar Sahib
9.	407	21.11.2023	420/379 of IPC	City Faridkot

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“xxx xxx xxx xxx

3. That the true facts pertaining to the present case are that the complainant



namely Mohkam Singh moved a complaint bearing No.470249 dated 12.11.2024 before the Station House Officer, Police Station Bhikhiwind, District Tarn Taran by levelling allegations to the effect that on 12.11.2024, at about 12:15 PM, he had gone to withdraw money from ATM, SBI Bank Patti Road and a youngster with cropped hair, Gagandeep Singh i.e. the petitioner, also entered into the cabin and indulged him into talks when he was about to fill up the pin number and by beguiling the complainant, swapped his ATM card with another ATM card and thereafter, withdrew Rs.20,000/- by using the ATM card of the complainant and on the basis of which, the present case FIR No.128 dated 12.11.2024, under section 318(4)/303(2) of BNS has been registered at Police Station Bhikhiwind, District Tarn Taran against the petitioner namely Gagandeep Singh.

4. That during the course of investigation, the complainant namely Mohkam Singh handed over the ATM card before the Investigating Officer which was exchanged by the petitioner. Thereafter, the petitioner namely Gagandeep Singh has been arrested in the present case on 12.11.2024 and at the time of arrest of the petitioner, total 79 ATM cards were recovered from the possession of the petitioner.”

4. Counsel for the petitioner submits that petitioner has been falsely implicated in the present FIR and nothing has been recovered from him. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commits any offence, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:.

“EVIDENCE AGAINST THE PETITIONER:

7. That as far as evidence against the petitioner is concerned, it is submitted that there are direct allegations against the petitioner. Moreover, the ATM which was swapped by the petitioner with the complainant has also been taken into possession by the present case. Further, 79 ATM cards were recovered from the petitioner at the time of his arrest. As such, there is ample evidence against the petitioner.

ROLE OF THE PETITIONER:

8. That as far as role of the petitioner is concerned, it is submitted that the petitioner has swapped the ATM card of the complainant and has withdrawn Rs.20,000/- by using the ATM card of the complainant. Moreover 79 ATM cards have been recovered from the possession of the petitioner. As such, the petitioner has committed the serious offence and



he is not entitled for the concession of regular bail."

REASONING:

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. Per the custody certificate dated 04.05.2025, the petitioner's total custody in this FIR is 05 months and 21 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. 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.

9. 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 fail to appear, such surety can produce the accused.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.

12. 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.

13. ***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 be at liberty to cancel this bail.***

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

15. 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

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its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

14.05.2025
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(ANOOP CHITKARA)
JUDGE

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