

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28161-2025
Reserved on: 05.08.2025
Pronounced on: 26.08.2025

Kuldip Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. L.S.Mann, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
77	03.07.2022	City Nakodar, District Jalandhar Rural	409/420/380 IPC (Section 201 IPC 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 14 of the bail petition, the 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:

“4. That FIR No. 77 dated 03.07.2022 U/s 409, 420, 380, 201 IPC (offence punishable U/s 201 IPC added later on) was registered at Police Station: City Nakodar, District Jalandhar (Rural) on the basis of a complaint bearing no. 1495-PTM dated 01.07.2022 given by District Food Supply Officer namely Rahul Bassi before SSP Jalandhar Rural wherein he stated that an enquiry has been shortage of wheat in regard Nakodar Centre. He stated that that he has written a letter to the Inspectors at Nakodar to check out the storage point and wheat with respect of bags, quantity, alongwith weight, quality, stock since 01.04.2022 as well as wheat lying outside the godowns and the site plan of the godowns be also provided. Inspectors have not provided the details and due to these reasons, he has further conducted physical verification and the matter has been reported that the stock is incomplete. Ultimately, on 28.06.2022 DFSC alongwith Inspectors Vipran Kumar and Harmohan Singh checked the various godowns and in the preliminary enquiry, it has been found that there is shortage of 10,000 to 12,000 bags, which were stored at two godowns at Nakodar. On 29.06.2022, a team was constituted consisting 10 members under the DFSC and when the concerned officers namely Daljit Singh and Sukhjinder Pal were called, then Sukhjinder Pal has come on the spot and gave in writing that he is

concerned only with the distribution of Ration Cards, whereas the facts with regard to storage and dispatch has been seen by Daljit Singh Inspector. Daljit Singh has not come to the team on that day, whereas he appeared on 30.06.2022 and suffered statement. On the basis of their statements and checking, it has been found that there is a big shortage of the wheat pertaining to the years 2018-2019, 2019-2020. Daljit Singh has also admitted the fact that if any shortage has been found, then he would complete the same, though he has not sold away the wheat outside. The loss is due to damage of wheat qua last year or due mischief committed by the security guards. After checking of the records during physical verification of both the godowns, it has been found that 6043.1 Quintal of wheat is lessor in the stock, which has been misappropriated by both the inspectors Daljit Singh and Sukhjinder Pal. On the basis of these facts, case has been got registered against Daljit Singh and Sukhjinder Singh.”

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 paragraphs 5 & 6 of the status report, which read as follows:

“5. That accused Daljit Singh was arrested on 18.04.2023. During interrogation, on 20.04.2023, he suffered a disclosure statement wherein he stated that he along with Sukhjinder Singh were posted as Food Inspectors in Panesar Bhuri Village Godown. AFSO Vaneet Kumar was their in-charge under whom security guards were also working. Kuldip Singh (petitioner) was in-charge of the security personnel. Whenever Daljit Singh went to meetings or fields, the petitioner along with AFSO Vaneet Kumar used to take out wheat out of the warehouse about which Daljit Singh was told by other security guards. Lastly, Daljit Singh stated that when an enquiry was conducted with regard to loss of wheat bags, the axe fell on him and Sukhjinder Singh whereas it was the petitioner (in-charge security personnel) and AFSO Vaneet Kumar who had sold the wheat.

6. That on the basis of the abovesaid disclosure statement suffered by accused Daljit Singh, petitioner (in-charge security personnel) and AFSO Vaneet Kumar were nominated as an accused vide DDR No. 33 dated 20.04.2023. Furthermore, offence punishable U/s 201 IPC was added as accused Daljit Singh did not get the recovery of wheat bags effected.”

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

“10. *The petitioner was nominated as an accused in the instant case on the basis of disclosure statement suffered by co-accused Daljit Singh wherein he stated that the petitioner, who was posted as Security In-Charge of Panesar Bhuri Village Godown along with AFSO Vaneet Kumar had stolen the wheat bags and sold them thereafter.*”

8. Petitioner was nominated as an accused based on the disclosure statement of Co-accused Daljit Singh. In addition to this, one of the co-accused, Sukhjinder Pal Singh, was granted bail by a Coordinate Bench of this Court in CRM 32656 of 2022, decided on 11th December 2023, and the petitioner is also entitled to bail on parity, because he is similarly placed.

9. 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.

10. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. 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 anticipatory 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. This order is subject to the petitioner's complying with the following terms.

14. *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.

15. 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.

16. 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.

17. 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.

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

26.08.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.