

CRM-M-65019-2024

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

CRM-M-65019-2024
Decided on: 24.07.2025

Sawan Singh alias Kalu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shubham, Legal aid counsel
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
119	07.06.2024	Sadar, Amritsar	379-B(2), 411 IPC

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 paragraph 10 of the bail petition, the accused declares that one case was pending against him, in which he has been acquitted, however, per paragraph 15 of the status report, said case is pending for trial.

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

“4. That it is submitted that as per the report furnished by SHO of Police Station Sadar, Amritsar, the present case FIR No. 119 dated 07.06.2024 was registered on the basis of statement of the complainant Rajesh Sharma wherein it was alleged that on 07.06.2024 at about 6:30 PM, he was going on foot towards Batala road and when he reached near power house, Mustfabad then 06 unknown youngsters, out of which one was holding knife in his hand, surrounded him and asked him to give whatever he had with him. In the meanwhile one youngster kept his dagger on his (complainant) neck and started searching his pockets. The above noted persons snatched his (complainant) mobile phone made Realme 8-1, colour space gray from pocket of his pant forcibly. The complainant raised alarm then the above said 06 persons ran away from the spot and the complainant also chased them but the above said 06 persons

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succeeded to run away. The inhabitants of the locality had told the complainant whilst running behind the above said persons that the names of the above said 06 persons are Veeru S/o Kundan Lal, Paani S/o Tarsem Singh, Sawan @ Kallu (present petitioner), Raja @ Jassar S/o Satwinder Singh, Kaka S/o Labh Singh, Karan @ Kala residents of Mustfabad, Amritsar. As the faces of the above said 06 persons were naked, hence, he can identify the above noted persons.”

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.

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:

“12. That it is submitted that during the course of investigation of the present case FIR No. 119 dated 7.6.2024 (supra), the co-accused Karanpreet Singh @ Karan @Kala was arrested on 25.08.2024. During investigation, the co-accused Karanpreet Singh @ Karan @ Kala also made disclosure statement before the Investigating Officer that he along with the present petitioner Sawan Singh @ Kalu and above said co-accused persons had committed crime in the present case. His identification was made by the complainant Rajesh Sharma. The accused Karanpreet Singh @ Karan @ Kala was produced before the learned Court and was sent to judicial custody.”

REASONING:

7. Petitioner was arrested on the disclosure statement of co-accused. 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 10 of the status report, the petitioner has been in custody since 26-06-2024 and petitioner's custody is more than one year.

9. 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.

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.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

24.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.