

CRM-M-19866-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19866-2025
Reserved on: 07.05.2025
Pronounced on: 19.05.2025

Sudhir Bagha

...Petitioner

Versus

State of Punjab

...Responden

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nikhil Chopra, Advocate, for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
13	07.03.2025	Behram, District SBS Nagar	309(4), 61(2), 111(3) of BNS, 2023 and Section 25 of Arms Act (Section 310 of BNS added vide order dated 07.05.2025) (Section 309(4) of BNS has been deleted vide DDR No.11 dated 29.04.2025.)

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. As per paragraph 26 of the bail petition and as per paragraph 9 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	61	20.10.2023	326, 323, 324, 148, 149 IPC	Patra, District Jalandhar
2.	06	30.01.2022	354, 323, 452, 148, 149 IPC	Satnampura, Distt. Kapurthala
3.	106	27.06.2018	379-B, 34 IPC	Maksudan, Distt. Jalandhar
4.	125	29.05.2018	22 of NDPS Act	Divn. No.7, Distt. Jalandhar
5.	341	25.11.2008	382, 34 IPC	Sadar Jalandhar, Distt. Jalandhar
6.	33	05.07.2023	326, 323, 324, 148, 149, 506 IPC	Patra, Distt. Jalandhar
7.	102	02.07.2022	399, 402 IPC, 25 of Arms Act	Makhu, Distt. Ferozepur

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

“2. That in compliance thereto, it is respectfully submitted that the factual matrix pertaining to present case is that, on 07.03.2025, Complainant-Amit Madaan got recorded his statement to the Investigating Officer averring therein that he was doing work of Outdoor Media and he has one brother and a sister and he is the eldest one. It was further averred by the Complainant-Amit Madaan that on 07.03.2025 at about 08:15 AM, he was going from Amritsar to Chandigarh in his Toyota Innova Car bearing No.PB-02-BZ-0100 and he made phone call to his brother namely Sawan for sending amount as he had to purchase some articles from Chandigarh, however, his brother namely Sawan told him to contact his driver Mandip Singh, who was getting his vehicle repaired at Phagwara and to receive Rs.7,43,000/- from him. It was further averred by the Complainant-Amit Madaan that on the asking of his brother Sawan, he contacted his driver Mandip Singh on his mobile No.98887-xxxx and said Mandip Singh sent his location to him on his mobile phone and following said location, Complainant-Amit Madaan reached at the bank of Canal of village Khothra, where Mandip Singh was standing and about 10-15 steps ahead four persons aged between 25 to 30 years, were standing near a motorcycle and they had muffled their faces. It was further averred by the Complainant-Amit Madaan that Mandip Singh (driver of his brother Sawan) handed over a polythene containing cash amount of Rs.7,43,000/- to him and he kept the same in his car, however, the four persons who were standing ahead Mandip Singh, reached near him and besieged his car and out of them one person put a pistol on his ear and asked him to alight from the car and Complainant-Amit Madaan came out of his car due to fear and these persons snatched his mobile phone make Samsung Fold containing connection numbers 99147-xxxx and 70099-xxxx and the person holding pistol sat at the driver seat of his car and one another person sat with him at the front seat of the car and in the meanwhile Mandip Singh handed over one mobile phone to person sitting at the driver seat and thereafter these persons took away his mobile phone mentioned above, car, cash of Rs.7,43,000/- given by Mandip Singh and another Rs.10,00,000/- kept in a brief case lying in the boot space of the car and his wallet lying on the seat of the car containing RC of the car, PAN Card and four credit cards and remaining two persons also followed them on motorcycle. It was further averred by the Complainant-Amit Madaan that he tried to notice the registration number of the motorcycle but he failed. It was concluded by the Complainant-Amit Madaan that was confident that Mandip Singh (driver of his brother Sawan) had conspired with aforementioned accused and he along with his co-accused has robbed

his car, currency notes of Rs.17,43,000/- his wallet and mobile phone on gunpoint and he further averred that he can identify the accused if produced before him and Complainant-Amit Madaan requested to take action against Mandip Singh and his four unknown accused mentioned above.”

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 his family.

5. The State's counsel opposes bail and refers to the status report. He further submits that during investigation of the case, Section 310(2) of BNS has been added and Section 309(4) has been deleted in the present case against petitioner and his co-accused vide DDR No. 11 dated 29.04.2025.

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

“B. Weapon and injuries attributed to the petitioner:

That it is respectfully submitted that the Petitioner-Sudhir Bagha was not present at the spot, therefore, no weapon or injury is attributed to him. In fact the Petitioner-Sudhir Bagha is the kingpin of the aforementioned dacoity and firstly he along with his co-accused conspired to commit dacoity and he constantly remained in contact with his co-accused, who executed the dacoity at the spot.

C. The evidence based on which the petitioner was arranged as an accused:

The petitioner has been nominated as accused in the present case vide DDR No.22 dated 21.03.2025, on the basis of disclosure statement Annexure-R-1/T, suffered by Manpreet Singh @ Jordan and similar disclosure statements are also made by other co-accused of the petitioner. The CDRs of the mobile phones of the accused and Petitioner-Sudhir Bagha is also an evidence against the Petitioner-Sudhir Bagha and his co-accused.

D. The evidence against the Petitioner:

It is submitted that disclosure statements of the co-accused of the Petitioner-Sudhir Bagha and the CDRs of the mobile phones of the Petitioner and his co-accused is against the petitioner. It is further submitted that the investigation of the present case is in progress and further evidence against the Petitioner-Sudhir Bagha is being collected.

E. The Role of the Petitioner:

The Petitioner-Sudhir Bagha is kingpin of the occurrence as he remained

in constant touch with his co-accused, who executed the dacoity at the spot. The Petitioner-Sudhir Bagha and his co-accused kept on making plan to rob the Complainant-Amit Madaan somewhere in the first week of February 2025 and since then they remained in touch with each other. It is further submitted that after committing dacoity, accused namely Manpreet Singh @ Jordan, Akashdeep Singh @ Englandiya, Deepanshu Bhandari and Harmanpreet Singh reached Kharar and handed over the entire amount of Rs.17,43,000/- to Petitioner-Sudhir Bagha and Petitioner-Sudhir Bagha handed over Rs.1,00,000/- each to them and remaining amount of Rs.13,43,000/- was kept by the Petitioner-Sudhir Bagha with him.”

REASONING:

7. Although, even as per the prosecution, the petitioner was neither present at the spot nor any weapon or injury was attributed to him but he is one of the main accused. As per the status report, out of the looted amount, majority had gone to his share, which is yet to be recovered. The investigator has failed to recover the proceeds of crime. However, there is sufficient evidence of call details between the petitioner and the co-accused, it shall be appropriate to refer to para No. 8 of the status report dated 02.05.2025 which reads as follows:

“8. That it is further submitted that during investigation of the case, the Call Detail Record (CDR) and tower locations of Mobile Phone numbers i.e. 79865-xxxx, 94174-xxxxx, 70872-xxxx, 98889-xxxx, 81461-xxxx, 98777-xxxx and 98887-xxxx, of all the accused were obtained and the same was perused and on the perusal of the same it has been found that Mobile No.94174-xxxx is of Petitioner-Sudhir Bagha and he had talked to Manpreet Singh @ Jordan on his mobile No.79865-xxxx, on 21.02.2025 once, on 22.02.2025 eight times, on 23.02.2025 five times, on 05.03.2025 once, on 06.03.2025 five times. Similarly, Manpreet Singh @ Jordan from his mobile No.79865-xxxx had made phone calls to Petitioner-Sudhir Bagha on his mobile No.94174-xxxx and had talked to him on 21.02.2025 twice, on 22.02.2025 eight times, on 23.02.2025 five times, on 28.02.2025 sent two SMS, 05.03.2025 once and on 06.03.2025 seven times. It is further submitted that Manpreet Singh also made phone call from his another mobile number 98777-xxxx to Petitioner-Sudhir Bagha on his mobile No.94174-xxxx on 12.03.2025 once. It is further submitted that Harmanjit Singh also made phone call from his mobile number 81461-xxxx to Petitioner-Sudhir Bagha on his mobile No.94174-xxxx on 21.02.2025 twice. It is further submitted that Harmanjit Singh also made phone calls from his mobile number 81461-xxxx to Manpreet Singh @

Jordan on his mobile No.79865-xxxx on 21.02.2025 once, on 22.02.2025 four times, on 23.02.2025 four times, on 24.02.2025 seven times, on 25.03.2025 thrice, on 26.02.2025 twice, on 04.03.2025 once, on 05.03.2025 twelve times, on 06.03.2025 four times and on 07.03.2025 thrice. It is further submitted that the incident in the present case was occurred on 07.03.2025 at about 10:15 AM and prior to the same all the accused were in constant touch with Petitioner-Sudhir Bagha and with each other and from the CDRs of the mobile phones of the accused including Petitioner-Sudhir Bagha, as submitted above, all the accused conspired to commit dacoity with the complainant-Amit Madaan. It is respectfully submitted that during investigation of the case, the witnesses acquainted with facts and circumstances have examined and their statements under Section 180(3) of BNSS were recorded by the Investigating Officer. It is further submitted that on 29.04.2025, during investigation of the case, Section 310(2) of BNS has been added and section 309(4) has been deleted in the present case against the petitioner-Sudhir Bagha and his co-accused vide DDR No.11 dated 29.04.2025.”

8. Further, the petitioner is main accused as is evident from the fact that out of the looted amount of Rs.17,43,000/-, the petitioner kept Rs.13,43,000/- with him lion's share as his share, which is yet to be recovered, therefore, petitioner is not entitled to bail.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

11. **Petition dismissed.** Interim order dated 09.04.2025 is recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.