

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34808-2025
Reserved on: 02.09.2025
Pronounced on: 12.09.2025

ABHAY SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Sanchit Punia, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
748	02.09.2023	Hisar City, District Hisar	379 of IPC, 1860

1. The petitioners apprehending arrest in the FIR captioned above have 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 and the reply, the petitioners have no criminal antecedents.
3. Vide order dated 07.07.2025, the petitioner was granted interim bail by this Court, which is continuing till date.
4. The facts and allegations are being taken from the reply dated 26.08.2025 filed by the State, which reads as follows:

“2.That the brief facts of the case are that on 02.09.2023, SI Virender, SPO Krishan were present in the police post, where Sandeep Kumar son of Gurdev Singh came present there and moved an application revealing therein that on 31.08.2023, his wife Shalu had visited her brother and sister at Hisar on the occasion of Rakhi at about 2:40pm. Thereafter, his wife was went to bus stand Hisar to go for Sirsa, some unknown person stolen her gold chain. She realized about the theft of her gold chain when she sat in the bus. She told me after reaching home. The weight of the chain was 1 to 1.5 tola. Upon which the above said FIR under Section 379 of IPC was registered.”

5. Counsel for the petitioner submits that petitioner is not named in the FIR. His name surfaced on the basis of disclosure statement of the co-accused, namely, Bimla (petitioner's wife). The petitioner counsel prays for bail by imposing any stringent conditions including

surrender of fire arms, if any. In case, he repeats and commits any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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

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

"C. The role of the petitioner

The name of the petitioner has been specifically disclosed in the disclosure statement of co-accused Bimla, who categorically disclosed that after committing the theft of the gold chain, she handed over the stolen property to her husband, the present petitioner, who thereafter sold the gold chain in Delhi."

REASONING:

8. Petitioner was not named in the FIR and his name surfaced in the disclosure statement and petitioner earn Rs.30,000/- from the sale of gold chain and Rs.25,000/- spent by him and Rs.5,000/- has been recovered and gold chain is not now in his possession. Petitioner was granted interim bail which is continuing till date and in the interregnum, there is no allegation that he hamper with the evidence or not joined the investigation, as such, no ground for discontinue the interim protection is made out, as such, same is made absolute subject to the condition mention in para No.9 of this order.

9. 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.

10. Petition allowed in terms mentioned above. Interim order dated 07.07.2025 is made absolute. All the pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.