

**IN THE COURT OF SH. BIKRAMJIT SINGH, JUDGE, SPECIAL COURT,
BARNALA. (UID NO. PB0224)**

BA No.275-2026

CNR No. PBBR01-000687-2026

Date of Order : 21.02.2026

Next Date of hearing : 05.03.2026

**Jagsir Ram, son of Kaur Chand, resident of Mandi Passa, village Tajoke,
District Barnala.**

.....Applicant

versus

State of Punjab

.....Respondent

FIR No.004, dated 10.01.2026,

U/ss 303(2), 317(2), BNS, 2023

Police Station : Tapa.

Bail application under Section 482, BNSS, 2023

Present: Sh. Gagandeep Garg, Advocate, for the applicant-accused-Jagsir
Ram.

Sh. Dilpreet Singh, Addl. PP for the State.

ORDER

This order of mine shall dispose of the above mentioned bail
application moved by the applicant-accused-Jagsir Ram in the above noted case

for grant of anticipatory bail under Section 482, BNSS, 2023 from this Court.

2. Notice of the bail application was issued to the respondent-State and the learned Addl. PP for the State has put in appearance. Record of investigation summoned and received.

3. While opening the arguments, Sh. Gagandeep Garg, Advocate, for the applicant-accused agitated at the Bar that the applicant-accused is innocent and has been falsely implicated in the present FIR. No recovery is to be effected from the applicant-accused. The applicant-accused has not committed any offences. The applicant-accused undertakes to abide by all the terms and conditions for bail, as may be imposed by this Court. In this backdrop, the applicant-accused may be granted the relief of anticipatory bail.

5. In response to these submissions, Sh. Dilpreet Singh, learned Additional Public Prosecutor, urged with a good deal of force that keeping in view of the gravity of the offences he has committed, the applicant-accused does not deserve the concession of anticipatory bail. As such, the bail application deserves dismissal.

6. I have heard the learned counsel for the applicant-accused, learned Additional Public Prosecutor, for the respondent-State and have gone through the record of the case with due care and circumspection.

7. The reason for enactment of Section 438 in the Code was Parliamentary acceptance of the crucial underpinning of personal liberty in a free and democratic country. Parliament wished to foster respect for personal liberty and accord primacy to a fundamental tenet of criminal jurisprudence,

that everyone is presumed to be innocent till he or she is found guilty. Life and liberty are the cherished attributes of every individual. The urge for freedom is natural to each human being. Section 438 is a procedural provision concerned with the personal liberty of each individual, who is entitled to the benefit of the presumption of innocence. As denial of bail amounts to deprivation of personal liberty, the court should lean against the imposition of unnecessary restrictions on the scope of Section 438, especially when not imposed by the legislature. In **Shri Gurbaksh Singh Sibbia and others v. State of Punjab, 1980 (2) SCC 565**, it was observed that:

"Anticipatory bail is a device to secure the individual's liberty; it is neither a passport to the commission of crimes nor a shield against any and all kinds of accusations, likely or unlikely. "

8. The Hon'ble Supreme Court of India in **Siddharam Satingappa Mhetre v. State of Maharashtra and others, (2011) 1 SCC 694**, held as follows:

"14. Police custody is an inevitable concomitant of arrest for non-bailable offences. The concept of anticipatory bail is that a person who apprehends his arrest in a non-bailable case can apply for grant of bail to the Court of Sessions or to the High Court before the arrest.

15. It is apparent from the Statement of Objects and Reasons for introducing section [438](#) in the Code of Criminal Procedure, 1973 that it was felt imperative to evolve a device by which an alleged accused is not compelled to face ignominy and disgrace at the instance of influential people who try to implicate their rivals in false cases.

16. The Code of Criminal Procedure, 1898 did not contain any specific provision corresponding to the present section [438](#) Criminal Procedure Code The only two clear provisions of law by which bail could be

granted were sections [437](#) and [439](#) of the Code. Section [438](#) was incorporated in the Code of Criminal Procedure, 1973 for the first time.

17. It is clear from the Statement of Objects and Reasons that the purpose of incorporating section [438](#) in the Criminal Procedure Code was to recognise the importance of personal liberty and freedom in a free and democratic country. When we carefully analyze this section, the wisdom of the legislature becomes quite evident and clear that the legislature was keen to ensure respect for the personal liberty and also pressed in service the age-old principle that an individual is presumed to be innocent till he is found guilty by the court.”

9. As per the case of prosecution, on dated 10.01.2026, Manjinder Singh ASI, along with a police party, reached at the spot (Dhab) in connection with the investigation of the letter, bearing No.6320 dated 22.12.2025 moved by the Block Development and Panchayat Officer, Sehna. Where a person was loading soil into a tractor trailer from the Dhab with a JCB, bearing registration No.PB-03-BB-2067, and two people were standing near the tractor trailer and one was sitting on the driver's seat of the tractor. When the police party's vehicle reached near Dhab where the soil was being lifted, the JCB driver, seeing the police vehicle coming towards the Dhab, got off the JCB and ran towards the fields. As the accused persons committed theft of soil from the panchayati dhab without any permission, so, therefore, Manjinder Singh ASI sent a ruqa to Police Station Tapa for the purpose of registration of an FIR under Sections 303(2), 317(2), BNS, 2023 against Devinder Kumar, Shri Niwas and Gurwinder Singh. The accused-non-applicants-Devinder Kumar, Shri Niwas and Gurwinder Singh were arrested on dated 13.01.2026 into the matter of the present case.

During the investigation, it was found that one Jagsir Ram (applicant-accused) was the owner of the JCB, bearing registration No.PB-03-BB-2067, as such, he arraigned as an accused into the matter of the present case, vide G. D. No.17.

10. Considering the nature of allegations that the applicant-accused was nominated into the present case on the ground that the vehicle allegedly used in the occurrence is registered in his name; there is no specific or over act attributed to the applicant-accused; the applicant-accused undertakes to cooperate with the Investigating Officer and to appear whenever required, this Court is of the considered view that the custodial interrogation of the applicant-accused is not warranted at this stage, as such, the matter is adjourned to dated 05.03.2026 and in the meantime interim protection is granted to the applicant-accused and applicant-accused is directed to join investigation with Investigating Officer/Arresting Officer and it is made clear to the Investigating Officer/Arresting Officer that in the event of arrest of the applicant-accused, he shall be released on interim bail on his furnishing bail bond and surety bond to the satisfaction of Investigating Officer/Arresting Officer. The applicant-accused shall be abide by the terms and conditions incorporated under U/s 482(2), BNSS, 2023.

11. Let, the record be now produced on dated 05.03.2026.

Pronounced in open Court on

21st day of February, 2026.

Gurdit Singh

JW Grade-II

(Bikramjit Singh),

Addl. Sessions Judge,

Barnala

(UID No.PB0224)