



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

**CRM-M-18558-2025
Date of decision: 28.05.2025**

BALJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.175 dated 27.12.2024, registered for the offences punishable under Sections 318(4), 336(2), 338, 336(3), 340(2), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Dugri, Ludhiana.

2. Present FIR has been lodged by SI Dilbagh Singh with averment that on 27-12-2024 he received a secret information that petitioner-Baljit Singh brings highly priced high Model vehicles from all over India to Punjab in connivance with officials of Registration Authorities in different districts of Punjab. The petitioner issues new Registration Certificate for these vehicles and sells these vehicles with forged Registration Certificates. Raid was conducted. Petitioner was arrested. On 28.12.2024 a Fortuner car bearing No.PB-27D-0599 and a Creta car bearing No.PB-27D-7172 were recovered.



3. Mr. Damanjit Singh Sandhu, Advocate has put in appearance on behalf of the petitioner and filed his *vakalatnama* with an endorsement of no objection from the earlier counsel. The same is taken on record. Registry is directed to tag the same at the appropriate place. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. He further contends that as per the case set up by the prosecution, the FIR (*supra*) was registered on the basis of secret information that the petitioner is selling luxury cars after forging their registration certificates. Furthermore, the petitioner is registered owner of the vehicle taken in possession and there is no evidence with regard to the involvement of the petitioner in any other organised gang of selling stolen vehicles, however, one FIR registered against the petitioner under Section 420 of IPC by his relatives on account of some monetary dispute. Learned counsel submits that the offences, under which, the FIR (*supra*) is registered, are triable by the Magistrate.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that one of the vehicles, recovered from the petitioner has two registration certificates, which prove his complicity. Further, the petitioner, by forging the registration certificate, is selling the luxury cars at throw away prices, however, he has not disputed that the investigation of the case is complete and the challan stands presented. Moreover, out of total 18 prosecution witnesses, none has been examined.



5. A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

6. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 07.01.2025, as per his custody certificate. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Out of total 18 witnesses cited by the prosecution, none has been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.



7. In view of the above facts and circumstances, the present petition is allowed. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the petitioner-Baljit Singh is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

May 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |