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recovered from the petitioner and other co-accused. There is no corroborative material either forensic or otherwise to prove the identification of the petitioner as a person, who has committed theft of the vehicles. Further, the recoveries, alleged to have been made prior to the registration of the FIR (*supra*), appear to have been planted upon the petitioner and co-accused with the ulterior motive to show solving of pending theft cases. Moreover, the co-accused of the petitioner, namely, Jagga Singh and Gurpreet Singh @ Gori have already been granted the concession of regular bail by this Court vide order dated 23.07.2025 passed in CRM-M-20705-2025 titled as 'Jagga Singh Vs. State of Punjab' (Annexure P-2) and order dated 14.07.2025 passed in CRM-M No.26337 of 2025 titled as 'Gurpreet Singh @ Gori Vs. State of Punjab' (Annexure P-3). Further, the petitioner has been nominated as an accused in the present case on the basis of disclosure statement made by co-accused while in judicial custody which has no evidentiary value in the eyes of law as the same is hit by Section 25 and 26 of the Indian Evidence Act.

Learned counsel for the petitioner further submits that the entire case of the prosecution hinges upon the testimony of official witnesses and no independent witness was joined during the course of investigation or at the time of effecting recovery. There are total 22 prosecution witnesses cited in the list of witnesses, out of which, 05 PWs have been examined till date and the trial is likely to take long time in conclusion.

*Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in six more cases and the offence under Section 112 of BNS has been added later on, on 04.11.2024. He further submits that the petitioner is part of a gang who



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has committed large scale thefts of vehicles and 16 stolen motorcycles have been recovered from the petitioner and other accused persons, as such, the petitioner is not entitled to any relief.

In reply, learned counsel for the petitioner submits that the petitioner was not aware of the fact that offence under Section 112 of BNS has been added during the course of investigation, as such, prayer is made for addition of the said offence.

In view of the above, the prayer made by counsel for the petitioner for addition of an offence under Section 112 of BNS is allowed and the Registry is directed to carry out necessary corrections.

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 10.09.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 22 prosecution witnesses, 05 PWs have been examined so far.

A two Judge Bench of Hon'ble Supreme Court in "**Satender Kumar Antil vs. 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."*



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Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.

Further keeping in view the law laid down by the Hon'ble Supreme Court of India in "*Prabhakar Tewari vs. State of U.P. and another*" 2020 (1) R.C.R. (Criminal 831) and "*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*", 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely, Sawaran Singh @ Swaran Singh @ Sonu, is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)  
JUDGE

04.08.2025

Neha

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