



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

225

**CRM-M-13009-2025 (O&M)
Date of decision: 08.07.2025**

Avtar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Rana, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.112 dated 15.07.2024 registered under Sections 212, 236, 237, 319(2), 318(4), 336(2), 338, 336(3) and 340(2) of BNS, 2023 at Police Station Division No.5, District Ludhiana.

2. The FIR (supra) was registered pursuant to Court order No.365 dated 15.07.2024 passed by the Court of Sh. Amit Bakshi, JMIC, Ludhiana, in connection with FIR No.178 dated 12.12.2023 under Sections 419 and 420 IPC (Sections 467, 468, and 471 IPC added later on), at Police Station Focal Point, Ludhiana. The case arose when, during proceedings to accept a bail bond in compliance with an order of the High Court dated 08.07.2024, one surety, claiming to be Kulwinder Singh son of Surjit Singh, refused to produce any identity proof other



than his Aadhaar card. Upon inspection of the court's surety register, it was revealed that the Aadhaar card had previously been used under different names in other cases. The Court suspected the use of forged documents and directed registration of an FIR under the relevant sections, treating the order as a complaint under Section 214 of BNSS. Investigation revealed that the person posing as Kulwinder Singh was actually Avtar Singh @ Bunty, who was arrested on 15.07.2024. Based on his disclosure, the co-accused Pankaj Rana was also nominated and he had identified and attested Avtar Singh (petitioner herein) and admitted to preparing multiple fake documents in various Courts.

3. Learned counsel for the petitioner, inter alia, contends that the identically placed co-accused namely Pankaj Rana was granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 13.12.2024 passed in CRM-M No.46773 of 2024. The case of the prosecution is entirely based upon the documentary evidence and the petitioner has acted bonafidely on the asking of the co-accused and he was not aware about the preparation of false documents by co-accused. Further, the petitioner is behind the bars since 15.07.2024 and the offences in which the FIR (supra) has been registered is triable by the Magistrate and the petitioner is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 14 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.



5. *Per contra*, learned State counsel has filed custody certificate as well as affidavit of Gur Iqbal Singh, Assistant Commissioner of Police, Civil Lines, Ludhiana today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has impersonated himself as Kulwinder Singh and furnished fake surety bonds, an act that strikes at the very integrity of the judicial process and therefore, the petitioner is not entitled to any relief, however, he could not controvert the fact that the co-accused of the petitioner has been granted the concession of regular bail and the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 11 months and 19 days. 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 17 prosecution witnesses, no PW has been examined so far.

7. 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.”

8. 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Avtar Singh 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.

10. 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

08.07.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No