



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

CRM-M-1600-2025
Date of decision: 28.05.2025

SAURAV VIRDI

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Narula, Advocate for
 Mr. Sumit Dua, 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.217 dated 29.10.2024 registered under Sections 324(2), 304(2), 317(2), 109, 281 of BNS, 2023 (Sections 140(3), 331(3), 305 of BNS, 2023 added later on) at Police Station Sadar, Jalandhar.

2. As per prosecution version, on 29.10.2024 SI Suresh Kumar along with police party was present at Bus Stop, Jamsher, where he received a secret information that accused Saurav (petitioner herein), who is involved in various cases, is coming towards Jamsher in a Tata Harrier vehicle of black colour without number plate. If a *naka* is laid at 'T' point near Government Elementary School, he can be apprehended. Thereafter, a *naka* at the above-said place was laid and at about 2:40 P.M, the above-said vehicle was seen



coming. The police party tried to stop it and the driver of the above vehicle slowed it down. When ASI Hajit Singh came towards the vehicle, the driver reversed it and hit the vehicle in ASI Harjit Singh. Thereafter, he tried to run the vehicle over SI Suresh Kumar and ASI Harjit Singh with an intention to kill them but they saved themselves. He hit his vehicle in the government vehicle and thereafter, sped away the vehicle towards Jalandhar Cantt. In order to stop the said vehicle, SI Suresh Kumar fired a gunshot in the tyre of the said vehicle and its tyre was punctured but its driver fled away from the spot in the vehicle and he also hit the vehicle in various other vehicles on the road. Thereafter, the driver of the above vehicle was apprehended on Haqiqat Rai Road and on enquiry, he disclosed his name as Saurav son of Sukhwinder Lal. From his search, one I-phone was recovered and he disclosed that the abovesaid I-phone was snatched by him from Amanpreet Singh on 22.10.2024. Thereafter, present FIR was registered under Sections 324(2), 304(2), 317(2), 109, 281 BNS. Petitioner was arrested. During investigation, offence under Section 140(3) BNS was added in the FIR through DDR No.19 dated 31.10.2024. On 01.11.2024, petitioner suffered a disclosure statement, wherein he disclosed that the recovered Tata Harrier was stolen from Cosmo Tata Motors, National Highway. Thereafter, vide DDR No.18 dated 01.11.2024, offences under Section 331(3) and 305 BNS were added in the FIR. Above accused also got recovered one Audi car and one Pikka make Tata Xenon bearing No.PB08-EC-1729.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and no offence under Section 109 of BNS, 2023 is made out as it is a case of no injury. Further, the case set up by



the prosecution is highly improbable. Prior to registration of FIR (*supra*), the petitioner was involved only in one case and that case was not pertaining to the theft of any vehicle. And till date no complaint has been filed by anybody regarding the theft of vehicle against the petitioner. The investigation of the case is complete. Moreover, trial of the case has not made any progress as out of 21 witnesses cited by the prosecution, none has been examined so far.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record. *Per contra*, he opposes the prayer made by learned counsel for the petitioner on the ground that FIR (*supra*) was registered on the basis of secret information and petitioner had tried to run over the vehicle over the police party when he was signaled to stop and he is also involved in one more case. Moreover, the offences under Sections 132 and 221 of BNS, 2023 have been added vide DDR No.26 dated 28.12.2024.

5. Learned counsel for the petitioner submits that the petitioner has placed on record the copy of the final report, in which, the aforementioned sections have been mentioned. Learned counsel prays for inclusion of offences under Sections 132 and 221 of BNS, 2023 in the head-note as well as prayer clause of the present petition.

6. Upon oral request made by learned counsel for the petitioner, the offences under Sections 132 and 221 of BNS, 2023 are ordered to be added in the head-note as well as in the prayer clause. Registry is directed to make the necessary corrections.

7. 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 04.11.2024. Investigation is complete. The final report under Section 173



Cr.P.C. was presented before the concerned Court. Trial of the case is likely to take long time as out of 21 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.

8. 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.”

9. In view of the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Saurav Viridi is ordered to be released on regular bail during pendency of the trial, on his 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.

May 28, 2025
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(HARPREET SINGH BRAR)
JUDGE

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