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2025.PHHC:018525



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6480-2025
DECIDED ON: 07.02.2025

RAVINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Kharab, Advocate for
Mr. Vishal Thakur, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 483 BNSS, has been invoked for grant of regular bail to the petitioner in case FIR No. 03 dated 04.01.2023, under Sections 419, 420, 465, 466 467, 468, 471, 474, 120-B of IPC, 1860, registered at Police Station City, District Hoshiarpur.

2. Facts

Facts as narrated in the FIR reads as under:-

“NO. 684 Dated 10-11-22 From:- Anjana, Additional Sessions Judge, Hoshiarpur. To, Fast Track Special Court, The Senior Superintendent of Police, Hoshiarpur Subject: Registration of FIR against surety Jit Singh son of Piara Singh, Numbarder Sohan Singh son of Teja Singh, witness Ravinder Singh son of Rachpal Singh and accused Narinder Singh @ Sabhi. Memo. Whereas in case State Vs. Narinder @ Sabhi and Anr., FIR No 31 dated 10.03.2020, under Section 363, 366, 376(3), 376-DA, 120-B, 109 IPC and

Sec 6 of POCSO Act, Police Station Mahilpur, bail bonds and surety bonds on behalf of furnished on accused Narinder @ Sabhi were 05.07.2021 before the then Predecessor of this Court and one Jit Singh son of Piara Singh, resident of Village Sahri, Police Station Mehtiana, District Hoshiarpur stood surely on behalf of accused Narinder @ Sabhi and he furnished Fard Jumabandi was identified by Nambardar Sohan Singh s/o Teja Singh Resident Hoshiarpur and witnessed by Ravinder Singh son of Rachpal Singh, resident of Chakowal Brahmna, Hoshiarpur. During the trial accused Narinder @ Sabhi absented from the court proceedings and his non bailable warrants of arrest were issued and notice to his surety was also issued. Today i.e. 09.11.2022, Ajit Singh @ Jit Singh son of Piara Singh appeared in the court and moved an application he does not know Narinder @ Sabhi, neither he stood his surety and documents have been Impersonated in the present bail bonds. He has also attached copy of his Aadhar Card and pasted his photograph with the application. Statement of Ajit Singh @ Jit Singh has also been recorded in which he has stated that is the owner of the land shown in jamabandi attached with the surety bonds of this case. He has further stated that some unknown person has impersonated him and had stood surety for Narindor @ Sabhi in the present case He never stood surety for Narindez Sabhi in the above ted case not be known Narinder Sabhi son of Madan Lal. He is Illiterate and only put his thumb impression and he never got issued the jamabandi attached with the surety bonds from Fard Kendar. The Aadhar Card in the name of Jit Singh attached is not his and someone has filed the same in the court while impersonating him and while preparing forged and fake documents using his name. He has seen the Aadhar Card and Identity card in the name of Sohan Singh who has signed as Lambardar of village Sahri and the photo on said Aadhar card is not of Sohan Singh who is actual Lambardar of their village. These are forged and fabricated documents. In view of statement of Ajit Singh @ Jit Singh, the undersigned is of the opinion that Jit Singh son of Piara Singh stood surety on behalf of accused Narinder @ Sabhi by impersonating himself as Ajit Singh & Jit Singh son of Piara Singh son of Maiya and Lambardar Sohan Singh son of Teja Singh, witness Ravinder Singh son of Rachpal Singh who identified the surety and accused Narinder Singh @ Sabhi have forged the surety bonds and have cheated this court. You are hereby directed to register an FIR against Jit Singh son of Piara Singh, Lambardar Sohan Singh son of Teja Singh, witness Ravinder Singh son of Rachpal Singh and accused Narinder Singh @ Sabhi under the relevant sections of Indian Penal Code, 1860. Copy of bail bonds and surety bonds, Aadhar cards of Jit Singh, Lambardar Sohan Singh, witness Ravinder Singh alongwith copy of relevant

extract of the register of Surety Bonds maintained by the Reader of this Court, are attached herewith. Further copy of application alongwith copy of Aadhar card duly pasted with photograph of Ajit Singh @ Jit Singh as well as statement suffered in the court are also attached here with. At the time of furnishing the surety bonds, the register concerned has been in the custody of Reader of this Court Sh. Amrik Singh. Hence, the undersigned authorize Sh. Amrik Singh on behalf of undersigned to depose at the time of evidence recorded during the trial of the case. Encl. As [above.sd/-](#) (Anjana) Additional Sessions Judge, Fast Track Special Court Hoshiarpur.”

3. Contentions:

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that in the present case investigation is complete, challan stands presented and nothing is to be recovered from the petitioner. He asserts that the petitioner is a first time offender, as he is not involved in any other case.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He does not controvert the submissions made by learned counsel for the petitioner.

4. Analysis

Considering the custody period undergone by the petitioner i.e., 4 months and 26 day and is not involved in any other case, as is evident from the perusal of the custody certificate, meaning thereby he is a person of clean antecedents added with the fact that investigation is complete, challan stands presented on 12.11.2024, wherein conclusion of trial shall take considerable time, as 12 prosecution witnesses are to be examined, therefore, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “*bail is a rule and jail is an exception*” and it would also

violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal)***

131. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence

witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in *In Re-Inhuman Conditions in 1382 Prisons*, 2017(4) RCR (Criminal) 416; 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658

6. *The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.*

7. *However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”*

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting

evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

5. DECISION:

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

07.02.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>