



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M No.6553 of 2025 (O&M)
Date of decision: 10.02.2025

Baljeet Singh @ Babbu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Singh Bhatti, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana
assisted by ASI Amit Kumar.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.62 dated 26.04.2023 registered under Sections 379-B, 341, 419 and 34 IPC at Police Station Guhla, District Kaithal.
2. Brief facts of the case are that on 26.04.2023 Ajit Singh son of Pritam Singh presented a complaint in P.S. Guhla, wherein it was alleged that he had come to visit his daughter Neetu wife of Lal Singh. On that day at 10:40 AM he along with his daughter's father in-law namely Birsa Singh had started from Dera Dara Singh Kakrala Anayat on their Scooty for collecting the driving license of his daughter Neetu from the Court at Guhla. While he was driving the Scooty, Birsa Singh was pillion rider. At around 11:00 AM when they reached near the Gurudwara two unknown men came from behind on a motorcycle and

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they waylaid them by stopping their motorcycle in front of their Scooty and asked them to get down from the Scooty by alleging that they had stolen a ladies purse which contained jewelery, therefore, they had to give their personal search to them as they had come from the police station. Thereafter one of the men started frisking him and checking his pockets and he removed a gold ring from his finger which weighed around 7 grams. They also removed the ignition key of their Scooty and after pushing them, absconded on their motorcycle. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and there is no specific allegation levelled against the petitioner. Further the case set up by the prosecution is highly improbable and according to the allegations that accused persons proclaimed themselves to be police officials, however, there is no allegation that the accused were wearing the police uniform and the alleged incident has taken place in a broad day light. He submits that the investigation is complete and the petitioner is behind the bars from the last more than 01 year.

4. Learned counsel for the petitioner further submits that there are total 13 prosecution witnesses cited in the list of witnesses, out of which, 03 PWs have 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 today in the Court which is taken on record and opposes the



prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in other cases also and he is a habitual offender and the identity of the petitioner has been duly established as the complainant has duly identified him and recovery of gold ring was also effected from his possession, however, he could not controvert the fact that the petitioner is in custody from the last more than 01 year.

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 01 year, 01 month and 27 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 13 prosecution witnesses, 03 PWs have 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. 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.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Baljeet Singh @ Babbu, is ordered to be released on regular bail during pendency of the trial, on his/her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The

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learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

10.02.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No