



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

214

**CRM-M-18018-2025(O&M)
Date of Decision: September 26, 2025**

Balwinder Singh @ Goli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr.Brijesh Nandan, Advocate
for the petitioner.

Mr.Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J.

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.30 dated 29.03.2023 registered under Sections 395, 379-B(2), 473, 411 and 201 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, at Police Station Sadar Batala, District Batala.
2. Brief facts of the prosecution case are that the FIR was lodged on the statement of Pardeep Kumar, who alleged that on 28.03.2023, when he had stopped his car near a petrol pump on Pathankot-Amritsar highway to get some water, six young men on two motorcycles, armed with baseball



bats and wooden sticks and one armed with kirpan snatched the keys of his car by putting him under life threat and drove away the car.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He contends that the petitioner was neither named in the FIR nor any Test Identification Parade was ever conducted to get him identified. There was delay of about 14 hours in registration of the FIR and the petitioner was nominated as an accused on the basis of disclosure statement made by co-accused Ranjodh Singh. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of a co-accused during his custodial interrogation is not admissible. The petitioner is behind bars for the last about 2 years 4 months. The investigation in the case is complete and final report under Section 193 BNSS has since been submitted against the petitioner. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and custody certificate today in Court, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. Referring to the status report, he has submitted that during investigation, it was found that the petitioner had



actively participated in the commission of crime and challan against him was submitted on 01.08.2023. He has further submitted that the petitioner is also involved in multiple other cases meaning thereby he is an habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last about 2 years 4 months, investigation is complete; challan stands presented; charges have also been framed, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. 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.

6. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein, Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/another case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a

bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

September 26, 2025

(RUPINDERJIT CHAHAL)
JUDGE

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Whether Speaking / Reasoned	Yes / No
Whether Reportable	Yes / No