



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
249

CRM-M-20705-2025
Date of decision: 23.07.2025

Jagga Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Gurdeep Kaur, Advocate
for the petitioner.

Mr. Nitesh Sharma, 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.148 dated 08.09.2024 under Sections 303(2)/317(2) of BNS (wrongly mentioned as BNSS) registered at Police Station City Fazilka.
2. The FIR (supra) was lodged pursuant to receipt of secret information to the effect that four persons, namely, Dharampal, Jaskaran Singh, Jagga Singh along with the present petitioner are in the habit of stealing motor cycles and sell the same. Pursuant to receipt of said information, a raid was conducted at the nominated place and the above said persons were arrested and thus, the present case.
3. Learned counsel for the petitioner *inter alia* contends that initially three persons were nominated as an accused in the FIR (supra), on the basis of secret information and later on, two more persons have



been nominated as an accused in the FIR (supra). Further the similarly situated co-accused of the petitioner has already been granted the concession of regular bail by this Court vide order dated 14.07.2025 passed in CRM-M No.26337 of 2025. Moreover the stolen motorcycles already stand recovered from the petitioner and other co-accused. There is no corroborative material either forensic or otherwise to prove the identification of the petitioner as a person, who has committed theft of the vehicles. Further, the recoveries, alleged to have been made prior to the registration of the FIR (spura), appear to have been planted upon the petitioner and co-accused with the ulterior motive to show solving of pending theft cases. Moreover, the co-accused of the petitioner namely Gurpreet Singh @ Gori has already been granted the concession of regular bail by this Court vide order dated 14.07.2025, passed in CRM-M No.26337 of 2025.

4. Learned counsel for the petitioner further submits that the entire case of the prosecution hinges upon the testimony of official witnesses and no independent witness was joined during the course of investigation or at the time of effecting recovery. There are total 22 prosecution witnesses cited in the list of witnesses, out of which, 05 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in one more case registered under the Excise Act and the



offence under Section 112 of BNS has been added later on, on 04.11.2024. He further submits that the petitioner is part of a gang who has committed large scale thefts of vehicles and 16 stolen motorcycles have been recovered from the petitioner and other accused persons, as such, the petitioner is not entitled to any relief.

6. In reply, learned counsel for the petitioner submits that the petitioner was not aware of the fact that offence under Section 112 of BNS has been added during the course of investigation, as such, prayer is made for addition of the said offence.

7. In view of the above, the prayer made by counsel for the petitioner for addition of an offence under Section 112 of BNS is allowed and the Registry is directed to carry out necessary corrections.

8. 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 08.09.2024. 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 22 prosecution witnesses, 05 PWs have been examined so far.

9. 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.”

10. 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.

11. 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.

12. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Jagga 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.

13. 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

23.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No