



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

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CRM-M-21733-2025 (O&M)
Date of decision: 10.07.2025

Parminder Singh Bajwa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Cheema, Sr. Advocate
with Ms. Sumanjeet Kaur, Advocate
Mr. Loveneet Thakur, Advocate
and Mr. Vivek Gupta, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mrs. Munisha Gandhi, Sr. Advocate
with Mr. Vaibhav Sharma, Advocate
and Ms. Salina Chalana, Advocate
for the complainant.

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.48 dated 21.02.2025 registered under Sections 109, 333, 324(4), 303(2), 191(3), 190 of BNS, 2023 read with Sections 25, 27 of the Arms Act, 1959 at Police Station Division No.7, Ludhiana, District Ludhiana.

2. As per the prosecution version, the FIR (supra) was registered on the basis of the statement made by complainant Balwinder Singh to the effect that he was working as Security Guard in Grewal Farm, Flibwar, Jamalpur, Near Sector 32-A, Tajpur Road, Ludhiana for



the last 5/6 months. On 21.02.2025 at about 2:30/01:00 PM, when he was present at Grewal Farm alongwith licenced rifle of .12 bore single barrel alongwith 5 live cartridges of the same bore, about 20/25 persons with muffled faces forcibly entered by scaling the wall of Grewal Farm and some persons started breaking the gate. 3/4 persons caught hold of him and after snatching his rifle and pushing him, made him lie down on the ground. His associate Arjan Ram came there and the above said persons also caught hold of him and made him also lie on the ground. They also snatched their mobile phones. Thereafter, they started damaging the building of the farm house and also broke open the door of room and door of almirah and started searching the same. Thereafter, they broke open the LCD, control panel of camera and took away DVR with them. He further stated that Parvinder Singh Bajwa, his brother and some unknown persons came in three cars and one unknown person fired shot from his rifle and Parvinder Bajwa also fired shot with intention to kill and thereafter fled away from the spot. The reason behind the occurrence was that Parvinder Singh Bajwa had a property dispute with the owner of farm for which, he alongwith his companions forcibly entered the farm with intention to take forcible possession thereof.

3. Learned Senior counsel for the petitioner *inter alia* contends that as per the case set up by the prosecution, the petitioner along with others has trespassed into the property owned by the complainant in order to take forcible possession. Further, the



investigating officer has taken into possession one swift car at the spot from which some empties and fire-arms were recovered. The investigating agency has already concluded the investigation and the case set up by the complainant in the FIR (supra) has been improved while filing the challan/final report under Section 193 of BNSS, 2023. Thereafter, when pursuant to filing of the bail application, a status report has been submitted before this Court and perusal thereof clearly indicates that the car which was taken into possession at the spot belongs to the complainant party as it has been released to the complainant party on superdari by the jurisdictional Court. Further, out of three persons who were apprehended at the spot namely Sukhwinder and Jaspreet Singh have been cited as prosecution witnesses. Even the fire-arm recovered by the investigating officer from the spot belongs to the complainant party. None of the weapons seized by the investigating officer at the spot, belongs to petitioner's side. Admittedly, it is a case of no injury. Further, it would be a moot point to be decided during the course of trial, whether the offence under Section 109 of BNS, 2023, is made out or not.

4. Learned Senior counsel for the petitioner further submits that the investigation is complete; the petitioner is behind the bars since 21.02.2025 and there are total 18 prosecution witnesses cited in the list of witnesses, out of which, no PW has 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 and status report by way of affidavit of Assistant Commissioner of Police, East, Ludhiana, today in the Court which are taken on record.

6. Learned Senior counsel representing the complainant as well as learned State counsel have vehemently opposed the prayer made by learned Senior counsel for the petitioner on the ground that although the DVR containing the video recording of the incident has been removed by the petitioner's side, however, the data available on the cloud clearly indicates that the petitioners have trespassed into the property of the complainant with large number of anti-social elements, who have covered their faces in order to conceal their identities which speaks about the real intention of the accused party. The property, in question is under the ownership of the employer of the complainant since 1971 and the petitioner belongs to a land mafia, who have been trying to take illegal possession over the property, in question and one such attempt was made for which the FIR (supra) was registered in spite of the injunction order passed in favour of the employer of the complainant and as such, the petitioner is not entitled to any relief.

7. Learned State counsel further submits that the petitioner has criminal antecedents and on the basis of demarcation, one single barrel gun, which was snatched from the complainant, has been recovered at the instance of the petitioner. Further submits that the petitioner is involved in other cases also, however, he could not



controvert the fact that the petitioner is acquitted in one case and declared innocent in other case.

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 from the last 04 months and 12 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 18 prosecution witnesses, no PW has 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. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Parminder Singh Bajwa 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.

12. 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

10.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No