

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

2025 PHHC:154206



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CRM-M-51902-2025

Date of decision: 10.11.2025

Jaswinder Singh @ Rana

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gopal Rathi, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab assisted by
DSP, Karan Sharma.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.04 dated 18.01.2025 registered for the offences punishable under Sections 281, 106, 324(2) of BNS, 2023 (later converted into Sections 103, 238, 3(5) of BNS, 2023), at Police Station Talwandi Bhai, District Ferozepur.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of unknown person Mahinder Singh, son of Vir Singh, son of Santa Singh, resident of Haraj, police station Talwandi, Bhai, age 70 years, phone number 95925-42460, stated that I am a resident of the above address and work as a laborer. I have four children, three boys and one girl. The eldest is my son Sukhdev Singh, the younger is Harnek Singh, the younger is Karnail Singh and the youngest is Paramjit Kaur, all

o are married. My son Harnek Singh, have a two daughter and one son, and my grandson Jagroop Singh, and my granddaughters Sunita and Rajni, who are still single. My grandson Jagroop Singh, aged 24, who used to work as a Labourar in Jeet Ram Dhall's Shellar, had gone to Talwandi Bhai on his motorcycle number PB 04 X 7985 brand Hero on 17-01-2025 at around 8 pm for some work. While returning home, on the highway from Ferozepur to Moga road near Karmitti Gate, an unknown vehicle driver carelessly hit my grandson's motorcycle, due to which my grandson Jagroop Singh died and the motorcycle was badly damaged. I came to know about this accident at around 8 am today from Talwandi Bhai police station. Before this, we were searching on our own and action should be taken against the claimant, the unknown vehicle and the unknown driver as per the law."

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 07.03.2025. Learned counsel for the petitioner has urged that the case in hand is one based on circumstantial evidence. Learned counsel appearing for the petitioner has further argued that the motive attributed, if any, is to co-accused namely Kuldeep Singh whose wife (Mohinder Kaur) was suspected to have an illicit relationship with the deceased Jagroop Singh. He has further argued that as per the challan the said person namely Mohinder Kaur has not even been cited as a prosecution witness. Learned counsel appearing for the petitioner has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 07.03.2025, whereinafter investigation was carried out and challan was presented on 25.04.2025 wherein total 21 witnesses have been cited. It is the common ground between the rival counsel that out of total 21 cited prosecution witnesses none has been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court **Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494**, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 05.11.2025 filed by the learned State counsel, the petitioner has suffered incarceration 7 months and 29 days. Further, as per the said custody certificate the petitioner is not shown to be involved in any other case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v)

The petitioner shall deposit his passport, if any, with the trial Court.
- (vi)

The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii)

The petitioner shall not in any manner try to delay the trial.
8.

In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9.

Ordered accordingly.
10.

Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11.

Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 10, 2025

Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No