



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-20186-2026 (O&M)
Date of decision: 15.05.2026

RAMAN GOYAL

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Amit Kumar, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

SURYA PARTAP SINGH, J.

CRM-15922-2026

Allowed as prayed for.

Main case

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of ‘the Bharatiya Nagarik Suraksha Sanhita, 2023’. This petition has been filed with regard to a case arising out of FIR No.0228 dated 03.10.2025 for the commission of offence punishable under Sections 318(4), 338, 336(3), 340(2) of Bharatiya Nyaya Sanhita, Police Station Sadar Ludhiana.

2. Briefly stating the facts emerging from record are that the FIR of



this case came into being at the instance of 'Amit Kumar Sharma', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was having business dealings with the petitioner and in the above-mentioned business dealings, the petitioner used to draw loan from him and on many occasions he returned the same, but at one point of time, it was found that a sum of Rs.6,65,000/- was due towards the petitioner.

3. According to complainant, once the above-mentioned accounts were settled in order to discharge his liability, the petitioner handed over his Maruti Suzuki Breeza car bearing Registration No.GJ01HX-2324 to him alongwith original RC and the affidavit sworn by the original owner, namely 'Pandya Nileshbhai'. It was further alleged by the complainant that he enjoyed the above-mentioned car for about 25-26 days, and that on 13.02.2025 at about 02:30 P.M somebody had stolen his above-mentioned car. It was also stated by the complainant that in the CCTV camera the incident of theft was recorded and it was observed that a muffled faced person while using second remote key of the car had taken it away.

4. In addition to above, the complainant had also stated that on 14.02.2025, he received a call at about 8.42 AM and the caller asked him to pay Rs.1,50,000/- for the return of car.

5. It is the case of the prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation the petitioner was arrested.

6. Since advance notice has already been served upon the State, Mr. J.S. Thind, DAG, Punjab, accepts notice on behalf of respondent-State. Hence,



service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However the learned State counsel has orally opposed the present petition.

7. Heard.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the maximum punishment prescribed for the offence is imprisonment up to 10 years;
- iii) that the petitioner has already suffered incarceration for a period of more than four months;
- iv) that the investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- v) that there is no evidence, on record to show that any kind of forgery has been committed by the petitioner ;
- vi) that although there are allegations with regard to theft of the vehicle, but any Section regarding theft has not been invoked by the Investigating Officer in this regard and in a very strange manner without any reasonable basis the sections regarding forgery have been invoked;
- vii) that the trial is not likely to be concluded in near future;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the



witnesses;

- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

10. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".

11. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation



and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

12. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

13. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India.

This constitutional right cannot be denied to the accused as mandated by



Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

16. In view of the fact that in the present case apparently the FIR has not been lodged under proper sections, the Commissioner of Police, Ludhiana is hereby directed to look into the matter and take appropriate disciplinary action against the erring official.

(SURYA PARTAP SINGH)
JUDGE

15.05.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No