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attacked him with *kapa* hitting his left arm, second attack hit the middle of his head and on the third attack he hit his right arm. Thereafter, Manpreet Singh @ Mali attacked him with *kapa* hitting his right knee, right arm and chest. Then, Bittu attacked him with base ball hitting his chest, back side of his stomach, left knee and left leg and Tej Singh, again attacked with base ball on the right arm and back side of neck of the complainant and then the unknown person attacked him with stick hitting his right arm and upper portion near fingers and again attacked on his right leg and knee. Thereafter, they snatched his kit bag carrying laptop, cash amount of Rs.26,500/-, keys of the shop and finger print machine and also extended threats to kill him and ran away from the spot with their weapons. Thereafter, a passerby informed the father of the complainant regarding his injuries and his father reached on the spot with car who got him admitted for treatment in the Civil Hospital and thus, the instant FIR got registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case only with a motive to pressurize him to not depose in FIR No.098 dated 13.07.2020 registered at Police Station Jaito, District Faridkot, against the complainant and his relative which was registered on the statement of the wife of the petitioner. The motive set up by the prosecution in the present case is incorrect as no land dispute between the complainant and the petitioner is pending. Further, the provisions of Section 307 of IPC are not attracted in the present case and none of the injuries have been declared as dangerous to life as provided under the provision of Section 307 of IPC and all the injuries except injury No.11 have been declared as grievous in nature and now, the prosecution has moved another



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application for constituting a Board of Doctors to obtain medical opinion with regard to the injuries suffered by the complainant, as such, it would be a moot point to be decided by the learned trial Court whether any offence under Section 307 of IPC is made out or not. The petitioner is behind the bars since 27.06.2024. Investigation of the case is complete.

The learned State counsel assisted by Mr. Vansh Chawla, Advocate has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that injury No.11 which was declared grievous in nature has been specifically attributed to the petitioner and in view of the fact that collective effect of the injuries is declared as dangerous to life as per the opinion given by the Doctor, the petitioner is not entitled to any relief. However, he could not controvert the fact that the petitioner is not involved in any other case and co-accused have been granted the concession of anticipatory bail.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. 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.”*

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 27.06.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 26 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Manpreet Singh alias Manpreet Singh Mali is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

However, learned counsel for the petitioner submits that perusal of the status report filed by the State of Punjab reveals that now Section 34 of IPC has been added in the FIR (*supra*) vide DDR No.24 dated 01.12.2023 and the

same may be incorporated in the head note and prayer clause of the present petition.

Registry is directed to make necessary amendments.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)  
JUDGE

16.12.2024  
*Neha*

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |