



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

1) CRM-M-1091-2025
Date of decision: 31.07.2025

Jatinder Singh alias Vicky Petitioner

Versus

State of Punjab ...Respondent

2) CRM-M-1133-2025

Jaspreet Singh @ Jassu Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek Salathia, Advocate
for the petitioner (in CRM-M-1091-2025).

Mr. Gurmehar Singh, Advocate
for the petitioner (in CRM-M-1133-2025).

Mr. Subhash Godara, Addl.A.G., Punjab.

Mr. Gurvinder Singh Khattri, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of the aforementioned petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-1091-2025.

The present petition(s) has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.0107 dated 05.06.2024 under Sections 307/34 of IPC and Sections 25/27 of Arms Act (offence under Sections 302/120-B of IPC added later on) registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1).



CRM-M-1091-2025
CRM-M-1133-2025

-2-

Compactly, the facts of the case are that on 05.06.2024, the complainant along with Sewa Singh @ Billa and Gurpreet Singh @ Gopi, were going towards Mothawal on a Splendor motorcycle and at around 12:50 P.M., they saw three young persons with one Pulsor motorcycle, standing near motors. One of them, was in police uniform. They were stopped by the said person for checking and on inquiry by the complainant, the said person disclosed his name as Jatinder Singh @ Vicky (the petitioner herein) of CIA Staff Jalandhar and other persons also disclosed their names as Sandeep Singh @ Seepa and Gopi. They all started checking the complainant and Sewa Singh @ Billa. The complainant also made a telephonic call to Sarpanch Balvir Singh of his village and gave the phone to Jatinder Singh. The said Sewa Singh also called his brother at the spot. However, when the aforesaid persons were stopped by complainant party to wait for respectable persons of their village, Gopi pointed a pistol towards them. He caught hold of Sewa Singh from his neck and started manhandling with him. Then he was instigated by his associates to kill Sewa Singh by giving a fire shot. Accordingly, he fired a shot from his pistol with an intention to kill Sewa Singh which hit the stomach of Sewa Singh @ Billa and he fell down at the spot. Then aforesaid accused persons fled away from the spot on motorcycle towards village Talwandi Madho and thus, the instant case.

Learned counsel for the petitioner, namely, Jaspreet Singh @ Jassu *inter alia* contends that the petitioner is not named in the FIR (*supra*) and no overt-act or injury has been attributed to the petitioner.

Learned counsel for the petitioner, namely, Jatinder Singh alias



CRM-M-1091-2025
CRM-M-1133-2025

-3-

Vicky, submits that admittedly, as per the case set up by the prosecution, the murder of the deceased has been committed by co-accused, namely, Gurpreet Singh @ Gopi. The petitioner, namely, Jatinder Singh alias Vicky is not alleged to have caused any injury. The petitioner was only trying to mediate between the complainant and the other accused to resolve their dispute. Further, it would be a moot point to be decided by the learned trial Court whether the petitioner can be held liable under Sections 307/302 of IPC with the aid of Section 34 of IPC. The petitioners have suffered the incarceration of more than 01 year and 01 month and till date, out of total 22 prosecution witnesses, only 01 witness has been examined.

The learned State counsel 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 complicity of the petitioners is duly established during investigation and they are also involved in other cases. Keeping in view their antecedental criminal behaviour, they are not entitled to any relief.

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



CRM-M-1091-2025
CRM-M-1133-2025

-4-

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 petitioners are behind the bars for the last more than 01 year and 01 month. 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 only 01 out of 22 prosecution witnesses have 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/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

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 petitioners in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the



CRM-M-1091-2025
CRM-M-1133-2025

-5-

outcome of the trial, the petitioners, namely, Jatinder Singh alias Vicky and Jaspreet Singh @ Jassu, are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

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.

A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

31.07.2025

Neha

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