



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

1) CRM-M-4064-2025
Date of decision: 20.05.2025

Bhavishya HansPetitioner
Versus
State of Punjab ...Respondent

2) CRM-M-12604-2025
Gurlal Singh alias LaloPetitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner (in CRM-M-4064-2025).

Mr. Vikasdeep Singh, Advocate
for the petitioner (in CRM-M-12604-2025).

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of the aforementioned both the petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-4064-2025.

The present petition(s) has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.212 dated 22.11.2024 under Sections 103/109/115(2)/118(1)/191(3)/190 of BNS (Sections 249/61(2) of BNS added later on) registered at Police Station Sultanpur Lodhi, District Kapurthala, Punjab.

Summarily, the facts of the case are that on 22.11.2024, the complainant had gone to attend Satsang in their relation at village Dadwindi



and on completion of the programme, he along with Ajay Kumar and Honey Kumar @ Nannu, on one motorcycle, whereas, Rajni on her Activa Scooter went to provide grocery to the father of Honey @ Nannu, namely, Surjit Pal at Sultanpur Lodhi. Rajni went to the house of Surjitpal, whereas, they went to their respective houses to bring some clothes. At about 08:50 P.M., they were taking tea at a tea stall situated in Mandi Sultanpur Lodhi and in the meantime, Kartik @ Kai armed with *grari*, Gagan Baba armed with *kirch*, Naveen armed with *datar*, Karan armed with *datar*, Gautam armed with baseball bat came on three motorcycles. Gagan Baba raised *lalkara* of teaching them a lesson. Kartik @ Kai gave iron grari blow in the middle of head of Honey Kumar @ Nannu, Gagan Baba gave kirch blow from its right side on the right side of back of Honey Kumar @ Nannu. Honey fell on the ground facing down. Ajay stepped forward to save Honey. Kartik @ Kai gave grari blow aiming head of Ajay with an intention to kill him but Ajay raised his right hand and the blow hit on his right hand. Kartik @ Kai gave another blow of grari on right knee of Ajay. Gagan Baba gave kirch blow with an intention to kill on the right side of abdomen and left flank of Honey Kumar. Naveen gave *datar* blow on his back and Karan Tatu gave *datar* blow on the back of Ajay. Thereafter, the complainant stepped forward to save them but Gautam @ Gurmandi gave baseball bat on his left arm. In the meantime, five unknown persons armed with *kirpans* also came at the spot on motorcycles and thus, the instant case.

Learned counsel for the petitioner(s) *inter alia* contends that the petitioners were not named in the FIR and they have been falsely implicated in the present case. As per the case set up by the prosecution, the petitioners have not played any role in commission of the murder of deceased, Honey Kumar



and the petitioners have been nominated later on 26.11.2024 on the basis of statement of Rajni. He further submits that the petitioners are alleged to have provided accommodation to the main accused, as such, the petitioners were held liable for an offence under Sections 249/61(2) of BNS. Admittedly, the petitioners have not caused any injuries either on the person of the complainant or the deceased and they were not aware of the fact that the main accused has committed some offence, as such, it would be a moot point to be decided by the learned trial Court whether the petitioners are liable for the offence alleged in the FIR (*supra*).

The learned State counsel has filed custody certificates in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioners on the ground that the petitioners were having prior knowledge of the conspiracy of committing murder of the deceased, namely, Honey Kumar and after commission of the crime, conniving with the main accused, they sheltered and concealed the main accused. However, he could not controvert the fact that the petitioners are not involved in any other case.

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 petitioners, namely, Bhavishya Hans and Gurlal Singh @ Lalo, are behind the bars since 29.11.2024 and 09.12.2024, respectively. 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 27 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/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.

In view the above, both above mentioned petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners-Bhavishya Hans and Gurlal Singh @ Lalo, 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

20.05.2025
Neha

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