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220 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5310-2025 (O&M)

Date of Decision: 06.05.2025

KANWAR RANDIP SINGH

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P. S. Ahluwalia, Advocates
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 07 dated 11.01.2022 registered under Sections 302, 148, 149, 427, 428, 411, 201, 120-B of Indian Penal Code and Sections 25, 54 and 59 of Arms Act 1959 at Police Station Tripuri, Distrit Patiala.
2. FIR was registered on the statement made by one Satish Chander Son of Gopal Dutt, who happens to be the brother of the deceased who alleged as under:-

"The contents of statement are as under, stated that I am a resident of the above sald address and doing job in Bajaj Finance at Sarhind. We are three sisters and brothers including me. Elder Is Tara Dutt aged 38 years, who is current Sarpanch of Vikas Nagar, me and my sister are younger than him. Today I was watering the roof of our under construction house, then at around 9:40 o'clock in the morning my brother Tara Dutt brought tea for me and labor in his Car No.PB-11-AW-4767, while he was parking the car in front of the house, then Abu resident of Bharat Nagar, Street No.4 Patiala, Jatinder Shergill, resident of Khashlya, Kanwar Ravdeep Singh Kharor, resident of Waran, Jaspreet Singh alias Mangu, resident of Gurbaksh Colony. Money Walla Taffalpura and 8/9 unknown persons, to whom I can recognize upon confrontation, got down from Car No.PB-10-GR-2329 and an Alto Car No.CH-04B-4981 from another



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vehicle, they were armed with revolver, rifles 12 bore and sharpened deadly weapons, who in front of my eyes, started firing indiscriminately on the car of my brother Tara Dutt, started firing on the front glass, side glasses and bonnet etc., when my brother got out of the car and started running, then out of all of them, Jaspreet Singh alias Mangu, Abu Bharat Nagar, Kanwar Ravdeep Singh Kharor, Jatinder Singh resident of Khasiya, Money Walla etc., fired at my brother's back on the waist, on the left side of the abdomen, on left leg below the knee, on the upper side of the left thigh, on the upper side of the two carts, on the Inner side of the right thigh, with 12 bore, revolver and deadly weapons with intention of killing him. Due to which my brother Tara Dutt suffered severe bullet injuries and fell down near the car in injured condition and became unconscious, then all the above said persons ran away from spot by sitting in their respective vehicles along with their respective weapons. Meanwhile, Girish son of Janardan Prasad, resident of Ratan Nagar, and Ravinder Singh son of Gurmeet Singh, resident of Chaprahar, who were present in the office of Tara Dutt, heard the sound of the fire shot and came on the spot they have seen this whole incident with their own eyes. Then we all three arranged a vehicle and took my brother Tara Dutt to Amar Hospital, Patiala, where my brother Tara Dutt died during the treatment. The motive behind grudge is that these persons had also caused injuries to my brother on the earlier occasion, regarding which the case is going on in the court. The statement has been written, heard and is correct."

3. Learned counsel for the petitioner *inter alia* contends that the case of the petitioner is at par with the co-accused namely Jaspreet Singh @ Maggu, Jatinder Pal Singh Shergill and Abbu @ Sufiyan @ Moh. Abu Sufiyan, who have been granted regular bails by Co-ordinate Benches of this Court vide orders dated 31.07.2024 (Annexure P-8), 06.08.2024 (Annexure P-10) and 05.08.2024 (Annexure P-11) passed in CRM-M-26581-2024, CRM-M-59701-2023 and CRM-M-36061-2024 respectively. The case of the petitioner is rather at a better footing than the co-accused Jaspreet Singh @ Maggu, from whom 132 bore pistol has been allegedly recovered, however, nothing has been recovered from the petitioner. Moreover, material witnesses have already been examined. There are 03 eye witnesses of the occurrence, who are Satish Chander, Girish and Ravinder Singh. Girish has appeared as PW-1, Satish Chander as



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PW-2 and Ravinder Singh has been given up before the learned trial Court and the star witnesses have not supported the case of the prosecution and have been declared as hostile by the Public Prosecutor. Further, the petitioner is although involved in other cases, but he is on bail on all those cases and he is behind the bars since 02 years and 06 months and co-accused Jatinder Pal Singh Shergill was also involved in other cases and he has been granted regular bail by the Co-ordinate Bench of this Court vide Annexure P-10 and the case against the petitioner is identical in nature.

4. Per contra, learned State counsel opposes the prayer made by the petitioner on the ground that petitioner has actively participated in the alleged occurrence and committed murder of Gopal Dutt. However, he could not controvert the fact identically placed co-accused has been granted the concession of regular bail by the Co-ordinate Bench of this Court.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from around 02 years and 06 months and out of total 29 PWs, only 03 have been examined so far. Thus, conclusion of trial will take considerable long time.

6. 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



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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.”

7. In view of the ratio of law laid down by Hon’ble Supreme Court in ***Prabhakar Tiwari Vs. State of UP and Anr.*** 2020(1) RCR (Criminal) 831 and ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others*** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Kanwar Randip Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

06.05.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No