

CRM-M-6389-2025

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

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CRM-M-6389-2025

Date of Decision: 03.06.2025

Robin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

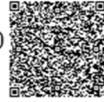
Present: - Mr. Tushar Wadhwa, Advocate for the petitioner

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is seeking regular bail in FIR No.59 dated 15.05.2024 (Annexure P-1) under Sections 452, 323, 324, 506, 148, 149 of Indian Penal Code, 1860 (Sections 308 and 387 of IPC added later on) registered at Police Station Dakha, District Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 26.06.2024. No recovery is to be effected from him. Co-accused- Jaswinder Singh alias Jassi has been granted concession of regular bail vide order dated 21.04.2025 (Annexure P-4) passed by Additional Sessions Judge, Ludhiana. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Ludhiana. He has deep roots in the society. There is no possibility of fleeing from justice.



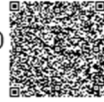
3. Learned State counsel does not dispute the fact that co-accused- Jaswinder Singh alias Jassi has been granted concession of regular bail vide order dated 21.04.2025 passed by Additional Sessions Judge, Ludhiana. He, however, submits that the petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

4. 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.”

5. Intent of arrest and reason of denial of bail is to:

- i) secure the appearance of the accused at the time of trial;
 - ii) allay possibility of repeating of offence & jeopardising own life on account of grim prospect of being convicted;
- and



- iii) avoid possibility of tampering of evidence and security of witnesses who may be pressurised or maltreated.

6. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, *prime facie* available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction. Detention or arrest not only deprives a person from his fundamental right of personal liberty guaranteed by Article 21 but also freedom guaranteed by Article 19(1) of our Constitution.

7. The petitioner is in custody since 26.06.2024 .No recovery is to be effected from him. Co-accused- Jaswinder Singh alias Jassi has been granted concession of regular bail vide order dated 21.04.2025 (Annexure P-4) passed by Additional Sessions Judge, Ludhiana. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. The petitioner is permanent resident of District Ludhiana and staying with family members. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner fleeing from justice or tampering the evidences or winning over/threatening the witnesses, thus, the petitioner deserves concession of regular bail.

8. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and



accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.

9. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

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

(JAGMOHAN BANSAL)
JUDGE

03.06.2025
Mohit Kumar

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