



**111+220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-16044-2025 in/and
CRM-M-6715-2025
Date of decision: 10.07.2025**

GOBINDA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Narula, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

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This is an application for placing on record the copy of judgment dated 12.08.2024 passed by learned Sessions Judge, Ferozepur as Annexure P-5.

Allowed as prayed for.

Copy of judgment dated 12.08.2024 passed by learned Sessions Judge, Ferozepur is taken on record as Annexure P-5, subject to all just exceptions.

MAIN CASE

1. This is the first petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.0147 dated 12.12.2023 registered under Sections 399 and 402 of IPC (Section 411 of IPC and Section 25 of Arms Act added later on) at Police Station Mallanwala, District Ferozepur.



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2. The case has been registered against petitioner and others on the basis of prior secret information that they have formed a gang for looting innocent people. On that day also, they all were present near Grain Market on two motorcycles armed with deadly weapons and were preparing to commit the offence. In case raid is conducted, they can be apprehended along with weapons, stolen motorcycles and other articles. Thereafter, raid was conducted. Petitioner was apprehended and a 315 bore pistol along with 2 live cartridges was recovered from him.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (*supra*) and similarly situated co-accused, namely, Prince has been granted the concession of regular bail by the learned Sessions Judge, Ferozepur vide order dated 31.01.2024 (Annexure P-3). He further contends that as per the case set up by the prosecution, the petitioner along with other accused have been apprehended, when they were making preparation to commit the offence and the petitioner has been arrested only in order to show the successful interception of anti-social elements, as the petitioner was earlier involved in one case. Learned counsel submits that the petitioner has suffered an incarceration of more than 01 year and 06 months. The investigation of the case is complete and the trial of the case is likely to take long time as out of 10 witnesses cited by the prosecution, none has been examined so far.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the prayer for grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established and he was apprehended at the spot and a



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country-made pistol was recovered from his possession. Further, the petitioner is involved in two more cases, out of which, in one case he has been acquitted and the other case is pending trial. As such, he is not entitled to any relief. However, he could not controvert the fact that co-accused has already been enlarged on bail.

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 the last 01 year, 06 months and 24 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of 10 prosecution witnesses, not a single witness has been examined till date. 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.

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 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



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other.”

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

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Gobinda 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.

9. 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.

July 10, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No