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

CRM-M-7551-2025

Date of decision: 31.07.2025

Manpreet alias Sonu Waghal

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. K.S. Brar, Advocate
for the petitioner.

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

Mr. Nishant Sehgal, Advocate for
Mr. Sandeep Sharma, Advocate
for respondents No.2 & 3.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.0103 dated 09.10.2024 under Sections 109/115(2)/191(3)/190 of BNS and Sections 25/27 of Arms Act (Section 118(2) of BNS added later on) registered at Police Station Kulgari, District Ferozepur.

Summarily, the facts of the case are that on 08.10.2024 at around 07:10 P.M., they were to hold a meeting for campaigning of elections for the post of Sarpanch of Gram Panchayat. The accused along with others armed with deadly weapons stopped their passage. Balwinder Singh stated that they had committed a mistake by putting up Mahinder Singh as a rival candidate against him and now they have to face consequences. Thereafter, the accused/petitioner fired twice from his pistol with an intention to kill but he missed the target and again fired four more shots. Balwinder Singh after snatching iron rod has hit the complainant in his head and when he tried to



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ward off the blow with his left hand, the blow hit on his left hand and he fell down on the ground and Balwinder Singh again gave third blow on his shoulder. When Prem Kumar came forward to rescue him, Anil Kumar gave iron rod blow in the head of Prem Kumar and when people gathered, all the accused ran away with their respective weapons and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that admittedly, no injury has been attributed to the petitioner. The invocation of Section 109 of BNS is highly debatable as none of the witnesses or the complainant has suffered any injury. Further, the offence under Section 109 of BNS has been invoked without obtaining any medical opinion from the doctor with regard to nature of injuries. He further submits that a compromise has been effected between the parties with the intervention of the respectables of the society as discernible from Annexures P-2 and P-3 and a petition bearing CRM-M No.36869 of 2025 seeking quashing of FIR (*supra*) has already been filed before this Court. The petitioner has suffered incarceration of more than 07 months.

Mr. Nishant Sehgal, Advocate for Mr. Sandeep Sharma, Advocate appears on behalf of respondents No.2 & 3 and affirms the factum of compromise and submits that he has no objection in case the present petition is allowed and the petitioner is enlarged on regular bail.

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 the petitioner has taken active participation and the co-accused have inflicted grievous injuries to the injured witness, namely, Prem Kumar. He further submits that the petitioner is involved in 07



more cases and thus, he is 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 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 petitioner is behind the bars since 18.11.2024. 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 20 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/petitioner. Keeping the petitioner in further detention without the



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prospect of the trial being concluded in the near future, would be violative of his 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 petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Manpreet @ Sonu Waghal, is ordered to be released on regular bail during trial on his 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.

(HARPREET SINGH BRAR)
JUDGE

31.07.2025

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