



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

CRM-M-7454-2025
Date of decision: 04.04.2025

GURPREET SINGH ALIAS GOPI

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.135 dated 18.11.2023 under Sections 304/34 of IPC registered at Police Station Koom Kalan, District Ludhiana (Annexure P-1).

2. The FIR (*supra*) was registered on the statement of the complainant by alleging that on 17.11.2023, when he was present at home, around 05:00-06:00 P.M., he saw that his two sons left the house and he suspected that they had brought drugs like earlier and even on that day, they have gone to buy drugs. When he followed them towards village Gahi Bhaini and village Ratnagarh Road, he saw that on the left side of the road at some quiet place, 8-9 boys were holding his sons, out of which 05 boys had forcibly thrown his son, namely Gurmail Singh, on the ground and 04 boys were holding his another son, namely, Ganga Singh. When the complainant raised voice, all



of them ran away from the spot. It is further alleged that the complainant took out the syringe from the right arm of his son, Gurmail Singh and then both of his sons told him that they both often come here to buy drugs from these persons and consume them. On that day also, they went to them where the present petitioner along with co-accused and four other unknown persons were already present there. Then Balwinder Kaur wife of Joginder Singh *alias* Dodi and an unknown woman gave them drugs and all these persons asked them to do drugs but Gurmail Singh told them that he did not want to do drugs any more as he wanted to quit the same and therefore, all these persons started forcing them and the present petitioner along with co-accused persons caught his son, Ganga Singh and others put down his son, Gurmail Singh and Joginder Singh *alias* Dodi put a drug syringe in his right arm. Thereafter, at around 08:30, the health of his son, Gurmail Singh suddenly deteriorated and his nose started bleeding and on the way to hospital, he died and thus, the instant FIR got registered.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is alleged to have caught hold of Ganga Singh, who is brother of deceased Gurmail Singh. He further contends that the report of the Forensic Science Laboratory is contrary to the case set up by the prosecution, which completely demolishes the edifice, on which, the prosecution case is built up. Learned counsel further relies upon Annexures P-8 and P-9 respectively, vide which, co-accused, namely Joginder Singh @ Dodi and Mukha Singh have been granted the concession of regular bail by this Court in cases bearing **CRM-M No.18181 of 2024** decided on 19.07.2024 and **CRM-M No.42177 of 2024** decided on 04.09.2024 respectively. Learned counsel submits that since,



the main accused, who is alleged to have given intoxicating injection, has been released on bail by this Court, the petitioner is also entitled to the relief of regular bail. He further submits that the investigation of the case is complete and the petitioner is behind the bars since 29.11.2024.

4. Learned Public Prosecutor produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer of the petitioner on the ground that complicity of the petitioner is duly established during investigation and he played active role in the alleged incident. Further, the petitioner is a habitual offender as he is involved in four other cases. As such, he is not entitled to relief of concession of regular bail.

5. 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.”



6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bar since 29.11.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. 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 prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

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 of 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-Gurpreet Singh @ Gopi is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. 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

April 04, 2025
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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |