



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

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CRM-M-9757-2025 (O&M)

Date of decision: 25.02.2025

Jarnail Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.0018 dated 26.01.2024 registered under Sections 406, 420, 120-B IPC (Sections 468, 471, 170, 171 IPC and Section 25, 54, 59 of the Arms Act, added later on) at Police Station Dasuya, District Hoshiarpur.

2. As per the prosecution case, the FIR (supra) has been registered on the complaint filed by Gurmeet alleging that he is a wrestler and is practicing alongwith Krishan, Sandeep, Ram Mehar, Rohit, Pankaj Kumar, Vikas and Ajay Banewala in Kaithal (Haryana). Ajay Bannewal told him that his friend Rajiv Singh is running an Akhara in District Hoshiarpur and is a famous wrestler, who discloses himself to be a police official. He introduced them to Rajiv Singh. They met Rajiv Singh in his Akhara where they practiced also. Ajay



Bannewala disclosed that Rajiv Singh is his old acquaintance and is having connection with higher police officers. That he had paid Rs.13 lacs for recruitment as ASI in Punjab Police. He asked the complainant and others that they can become police official by making payment to Rajiv Singh. Thereupon, the complainant on assurance by Rajiv Singh and Ajay Bannewal paid Rs.15,50,000/- to Rajiv Singh and Ajay Bannewal through bank transfers. Besides him, Ram Mehar, Vikas, Pankj, Rohit, Sandeep and Krishan also paid them Rs.13 lacs each through bank transfers. Several other boys also approached Rajiv Singh for joining police and payments were received from them by Rajiv Singh. They asked the complainant and others to collect their appointment letters from PAP, Jalandhar on 26.01.2024. Accordingly, complainant and others persons reached there and came to know that someone had attacked on Thar vehicle of Rajiv Singh. Lateron, they came to know that Rajiv Singh is not a police official and he himself got gunshot fired on his vehicle and has run away. They came to know that they had been cheated by the accused on the promise of getting them recruited in Punjab Police.

3. Learned counsel for the petitioner *inter alia* contends that 03 of the identically placed co-accused of the petitioner namely Sanjeev Kumar @ Kala, Rajeev Singh @ Chotu Pehalwan and Ajay Bnewala, have already been granted the concession of regular bail by this Court on 03.02.2025, passed in CRM-M Nos.27118, 40862 and 29734 of 2024, respectively and even one another co-accused of the petitioner



namely Harjinder Singh has also been granted the concession of regular bail by the learned Sessions Judge, Hoshiarpur, and the petitioner is behind the bars since 26.01.2024 and till date, the trial has not commenced as charges are yet to be framed and the petitioner is not involved in any other case and further, the prosecution has not been able to connect the petitioner with the accounts in which the alleged amount has been transferred.

4. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has cheated innocent citizens on the pretext of providing them job in Punjab Police, however, he could not controvert the fact that charges are yet to be framed and conclusion of the trial will take long time.

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 and 21 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case is yet to commence.

6. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. 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.”

7. 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.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Jarnail Singh is ordered to be released on regular bail during pendency of the trial, on his 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.

(HARPREET SINGH BRAR)
JUDGE

25.02.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No