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

1)

CRM-M-10128-2025
Date of decision: 26.05.2025

Suraj Kumar

....Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-22193-2025

Vikramjeet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kushagra Mahajan, Advocate and
Mr. Ankush Rampal, Advocate
for the petitioner (in CRM-M-10128-2025).

Ms. Neesh Garg, Advocate
for the petitioner (in CRM-M-22193-2025)
(through V.C.).

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of the aforementioned both the petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-10128-2025.

The present petition(s) has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.456 dated 19.10.2024 under Sections 140(3)/127(2)/61(2) of BNS registered at Police Station City Barnala, District Barnala.

Succinctly, the facts of the case are that from last 20/25 days, the complainant along with her brother, father and other family members were working on the brick-kiln of Sandeep Kumar B.K.O. situated at Naiwala Road,



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Barnala. Her marriage was solemnized with Ashwani son of Sugar Singh about 7/8 years back and out of this wedlock, one male child was born. Thereafter, on account of some family dispute, she started residing separately from him from the last one year. It is further alleged that on 18.10.2024, Vikramjit Singh came to meet her at brick-kiln and he has also called his friends namely, Suraj and Sunil and the said persons had abducted the son of the complainant with bad intention and took him to some unknown place and thus, the instant FIR.

Learned counsel for the petitioner(s) *inter alia* contends that the complainant was having a strange relationship with her husband and she was in a live-in relationship with petitioner-Suraj and has been residing with him since December, 2023. The complainant moved an application before the learned Chief Judicial Magistrate, Mansa, on 18.12.2023, wherein, she had got recorded her statement that she is living with Suraj Kumar with her free will and without any pressure since last 20 days. Thereafter, the complainant had a fight with petitioner-Suraj and she left the house of the petitioner. The son of the complainant was looked after by petitioner-Suraj and his sister and he was produced before the learned jurisdictional Court hale and hearty by the sister of the petitioner. He further submits that the son of the complainant was never abducted rather, the complainant left the house of the petitioner-Suraj after fighting leaving her son behind. The petitioners, namely, Vikramjeet Singh and Suraj Kumar are in custody since 08.11.2024 and 22.10.2024, respectively and they are not involved in any other case. The factual ingredients to invoke the offence under Section 140(3) of BNS are not available on record. Investigation is complete.



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(s) on the ground that the petitioner(s) are involved in a heinous crime and do not deserve 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 petitioners, namely, Vikramjeet Singh and Suraj Kumar are in custody since 08.11.2024 and 22.10.2024, respectively. 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 17 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(s). Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.



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In view the above, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioners, namely, Vikramjeet Singh and Suraj Kumar, are ordered to be released on regular bail during trial on their 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.

A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

26.05.2025

Neha

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