



CRM-M-10009-2025 (O&M)

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215 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10009-2025 (O&M)
Date of Decision: 27.02.2025

VIKAS KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.P.S. Gumman, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

Harpreet Singh Brar, J. (Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023 seeking regular bail in case bearing FIR No.103 dated 04.08.2023 under Sections 302/307/325/323/341/148/149/120-B/201 of IPC (Section 201 of IPC added later on) registered at Police Station Sadar Sangrur, District Sangrur.

2. The FIR (supra) was lodged on the statement of the complainant by alleging that when he and Sikander Singh were going to their village on his motorcycle bearing No. PB-13-AV-1708 and when they reached about 1 KM ahead of bridge on the area of village Balia then at about 12:30 P.M., one white colour vehicle came ahead of their motorcycle which was followed by 5-7 persons on 3-4 motorcycles. Thereafter, Tejinder Singh and his brother, namely, Sukhjinder Singh @ Bhola, came out of vehicle and other motor riders came towards them and they all were armed with iron rods, sticks and thereafter, they threw chilli powder from an envelope towards their faces, due to which chilli powder entered into their eyes. Thereafter, Sukhjinder Singh raised *lalkara* that instead of daily dispute with regard to land with them, they will finish them and



started giving beatings to them. They have given iron rod blow on the left side of the chest of the complainant and caused injuries on his hands, shoulders, stomach, right thigh and right leg. Thereafter, Tejinder Singh along with Sukhjinder Singh have also caused injuries to Sikander Singh deceased and thus, the instant FIR got registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case. As per the case set up by the prosecution, there was a dispute between the deceased and the main accused, namely, Sukhjinder Singh @ Bhola and petitioner has been nominated as accused on the basis of disclosure statement made by co-accused Karamvir Singh during his custodial interrogation, which has no evidentiary value in the eyes of law. It has been alleged in the confessional statement made by the co-accused that the petitioner has identified the deceased and for this purpose he was given Rs. 20,000/- and as such the allegation that the petitioner has arranged the assailants on payment of Rs. 2.50 lacs completely falls flat. It is further submitted that deceased had received 06 injuries and all were caused with blunt weapons and FIR(supra) was registered on his statement and thereafter he succumbed to his injuries. Therefore, it would be a moot point to be determined by the learned trial Court as to whether the offence under Section 302 of Indian Penal Code is made out against the petitioner or not. Admittedly, the petitioner has not participated in the alleged incident and no overt act or injury has been attributed to the petitioner and the similarly situated co-accused namely Saleem has been granted the concession of regular bail by this Court vide order dated 06.02.2025 passed in CRM-M-58651-2024 (Annexure P-5) and the petitioner is only 19 years of age having clean antecedents and he has



4. The learned State counsel has filed custody certificate in the Court today which is taken on record and *per contra*, submits that during the investigation, the complicity of the petitioner was found and on the asking of the main accused-Sukhjinder Singh @ Bhola, his brother, namely, Karamvir Singh @ Chitta, has paid Rs. 20,000/- to the petitioner and petitioner has arranged the co-accused for committing the crime. However, he could not controvert the fact that out of total 36 prosecution witnesses, not even a single prosecution witness has been examined till date and petitioner is behind the bars since last more 01 year 05 months and 30 days.

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 under-trial 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."

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 since 27.08.2023. 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 36 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No

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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.

6. 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-Vikas Kumar 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.

7. 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

27.02.2025
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>