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

CRM-M-11346-2025

Date of decision: 31.07.2025

Manjinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vicky Sharma, Advocate
for the petitioner.

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

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.31 dated 28.02.2015 under Sections 307/452/506/148/149 of IPC and Sections 25/54/59 of Arms Act (Sections 436/511 of IPC added later on) registered at Police Station B Division, District Amritsar (Annexure P-1).

Summarily, the facts of the case are that on 28.02.2015 at around 08:30 P.M., the complainant, his brother, mother and sister-in-law were taking meal when they heard a noise of knocking their outside door. His younger brother opened the door and meanwhile the complainant also reached there. One person entered inside on the pretext of purchasing Acid and called upon his companions to come inside. The complainant and his brother pushed that person out of their house and locked the door of house from inside and went to roof and there they saw that on the road, one Partap Singh of Algo Kothi armed with 12 bore gun was standing along with 20-25 unidentified persons, out of whom, some were also armed with rifles. Thereafter, Partap Singh shot a fire towards them with an intention to kill them. His associates also fired at them



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and ran away while giving threats and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR (*supra*). Further, as a matter of fact, co-accused, namely, Amritpal Singh and Partap Singh have fired a gun shot with their 12 bore gun which hit the parapet on the roof of the house of the complainant. Admittedly, it is a case of no injury and petitioner has been nominated as an accused on the allegations that he was armed with a rod and he was part of the unlawful assembly. No overt act or injury has been attributed to the petitioner and similarly situated co-accused, namely, Harpal Singh, has been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 21.07.2023 passed in CRM-M-34077-2023 titled as 'Harpal Singh State of Punjab' (Annexure P-4). The petitioner has suffered incarceration of more than 08 months and till date, out of total 08 prosecution witnesses, not even a single witness has been examined.

The learned State counsel has filed status report along with custody certificate in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner was present at the spot and he was member of the unlawful assembly, as such, his complicity was duly established and he did not submit himself to the process of law and he was earlier declared as proclaimed offender.

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 22.11.2024. 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 08 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 prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

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-Manjinder Singh, is ordered to be released on regular

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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*Neha*

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