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

1) **CRM-22102-2025 in/and
CRM-M-14946-2025 (O&M)**
Date of decision: 26.05.2025

Karamveer Singh alias ChittaPetitioner

Versus

State of Punjab ...Respondent

2) **CRA-S-1241-2025**

Lovepreet Singh alias LovelyAppellant

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner (in CRM-M-14946-2025).

Mr. Deepinder Singh Virk, Advocate
for the appellant (in CRA-S-1291-2025).

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Deepak Goyal, Advocate
for the complainant/respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

CRM-22102-2025

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking direction of adding Section 3(2)(v) of SC/ST Act in the headnote of the petition and placed on record the amended headnote of the petition bearing No.CRM-M-14946-2025.



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In view of the averments made in the application, the same is allowed and the amended headnote of the petition bearing No. CRM-M-14946-2025 is taken on record.

CRM-M-14946-2025 & CRA-S-1241-2025

This common order shall dispose of the aforementioned both the petition as well as the appeal as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-14946-2025.

This second petition on behalf of petitioner, namely, Karamveer Singh alias Chitta has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 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) and Section 3(2)(v) of SC/ST Act registered at Police Station Sadar Sangrur, District Sangrur. First petition was dismissed on merits on 21.11.2024 and this petition has been filed with the changed circumstances as similarly co-accused, namely, Saleem and Vikas Kumar, have been granted the concession of regular bail by this Court vide order dated 06.02.2025 passed in CRM-M-58651-2024 titled as 'Saleem Vs. State of Punjab' and order dated 27.02.2025 passed in CRM-M-10009-2025 titled as 'Vikas Kumar Vs. State of Punjab', respectively. He further placed reliance on the judgment rendered by the Hon'ble Supreme Court in 'Prathvi Raj Chauhan vs. Union of India and others', (2020) 4 SCC 727.

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.

Learned counsel for the petitioner (in CRM-M-14946-2025) *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 the petitioner has been nominated as accused on the basis of disclosure statement made by co-accused, Sukhjinder Singh during his custodial interrogation, which has no evidentiary value in the eyes of law. As per the case set up by the prosecution, the case against the petitioner-Karamveer Singh is that he introduced the main accused Sukhjinder Singh to co-accused, Vikas Kumar who arranged the assailants by paying Rs.2.5 lakh. 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, the deceased succumbed to his



injuries later on. 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 co-accused, namely, Saleem and Vikas Kumar, have been granted the concession of regular bail by this Court vide order dated 06.02.2025 passed in CRM-M-58651-2024 titled as 'Saleem Vs. State of Punjab' and order dated 27.02.2025 passed in CRM-M-10009-2025 titled as 'Vikas Kumar Vs. State of Punjab', respectively, and the petitioner is behind the bars since 26.08.2023.

Learned counsel for the appellant (in CRA-S-1291-2025) submits that the appellant has also not played any role in inflicting injuries to the deceased. The allegations against the appellant, namely, Lovepreet Singh alias Lovely, is that he arranged the car in which the assailants have reached at the spot.

The learned State counsel has filed custody certificates in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioner, namely, Karamveer Singh alias Chitta and appellant, namely, Lovepreet Singh alias Lovely, on the ground that during the investigation, the complicity of Karamveer Singh alias Chitta and Lovepreet Singh alias Lovely was duly established, as such, they are not entitled to any relief. However, the appellant, Lovepreet Singh alias Lovely, is involved in two other cases.

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 petitioner, namely, Karamveer Singh alias Chitta is behind the bars since 26.08.2023 and appellant, namely, Lovepreet Singh alias Lovely is behind the bars since 02.04.2024. 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 36 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/appellant. Keeping the petitioner/appellant 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.

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/appellant in other cases would not be a ground to refuse grant of concession of regular bail.



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In view the above, the present petition as well as appeal are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner, namely, Karamveer Singh alias Chitta and appellant, namely, Lovepreet Singh alias Lovely, 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

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