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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14887-2025
DATE OF DECISION: 02.04.2025

GURPREET SINGH ALIAS BABLU ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Janya Sirohi, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Prayer**

This petition has been filed under Section 483 BNSS 2023 for grant of Regular Bail to the petitioner in FIR No. 029 dated 30.06.2024, u/s 341/324/323 of IPC 1860 [Lateron added Section 326 of IPC vide report NO. 27 dated 09.07.2024] P.S. Lakhewali, District Sri Muktsar Sahib (Annexure P-1).

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘Statement of Ramneek Singh son of Gurbaj Singh, son of Gahwa Singh, resident of village Ramgarh Chugha, aged approximately 19 years, Mobile No: 95924-18946, stated that I am a resident of the aforementioned address and work as a laborer. On 19.06.2024, a water distribution service (Chhabil) was set up at



Maharishi Balmik Swami Ji's temple on Akalgarh Road in our village. I went there on my Splendor motorcycle to drink water and participate in the service. Upon arrival, I parked my motorcycle to the side. Gurpreet Singh alias Bablu, son of Jagseer Singh, resident of Ramgarh Chugha, who was present there, told me to move my motorcycle to the side. I did not comply and proceeded to drink water from the Chhabil. After drinking water, as I was returning home, I met my friend Rajdeep Singh alias Golu, son of Saminder Singh, resident of Ramgarh Chugha, who requested me to drop him home on my motorcycle. His house was about 400 meters ahead on Akalgarh Road. I took him home and, while returning, near the tower, about 100 meters from the Chhabil, Gurpreet Singh alias Bablu was standing holding a Kirpan. He forcefully stopped me and, without warning, attacked my head with the Kirpan. I moved my head back, causing the Kirpan to strike near my eye. I quickly put my motorcycle on its stand, got off, and asked why he was attacking me. He said that I had disrespected him by not listening to him.' Saying this, he struck me again with the Kirpan, this time on my nose. I tried to snatch the Kirpan for self-defense, but he attacked me a third time, injuring the index and middle fingers of my left hand. Due to these injuries, I fell to the ground. He then struck me a fourth time with the Kirpan, injuring my left shoulder and the area near my elbow. The fifth blow landed on my right arm, injuring my elbow. The sixth strike was reversed and hit my back. As he was attacking me, I cried out for help. My father, Balraj Singh, son of Gahwa Singh, who was nearby at the village Dharamshala, came running. Seeing him, Gurpreet Singh alias Bablu fled the scene with his Kirpan. My father arranged for transportation and took me to Civil Hospital, Sri Muktsar Sahib, for treatment. Due to the severity of my injuries, the doctor referred me to Guru Gobind Singh Medical College, Faridkot, on 20.06.2024. After receiving treatment, I was discharged and sent home on 27.06.2024. I am currently resting at home. The reason for the assault was that Gurpreet Singh alias Bablu asked me to move my motorcycle from near the Chhabil, and when I refused, he attacked me out of resentment. Legal action should be taken



against Gurpreet Singh alias Bablu, son of Jagseer Singh, resident of Ramgarh Chugha. Today, you have come to my house to record my statement, which I have provided in the presence of my father, Gurbaj Singh. The statement has been read and confirmed as accurate. Signature: /- Ramneek Singh In-person signature.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that as per the allegations, the petitioner inflicted injuries to the complainant, however, the FIR was registered after an unexplained delay of 11 days. He further submits that the complainant was discharged from the hospital on 27.06.2024 whereas the complaint was filed on 30.06.2024 after due deliberation and consultation. It is his further contention that the petitioner has been in custody since 19.08.2024 and recovery whatsoever has already been effected from the petitioner, therefore, prays for grant of regular bail to the petitioner.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the petitioner is a habitual offender as he is involved in other FIR and has argued that specific role has been attributed to the petitioner of inflicting injuries on the complainant.

4. **Analysis**

From the above discussion, it can be culled out that there is delay of 11 days in lodging the instant FIR, therefore, there is possibility



of concocted version from the side of the complainant, the petitioner has already suffered sufficient incarceration i.e. 7 months and 9 days, no further recovery is to be made from the petitioner and as per the principle of the criminal jurisprudence, no one should be considered guilty, till the guilt is proved beyond reasonable doubt, whereas in the instant case, challan has already been presented, meaning thereby investigation is complete and therefore, detaining the petitioner behind the bars for an indefinite period would solve no purpose.

Reliance can be placed upon the judgment of the Apex Court rendered in “***Dataram versus State of Uttar Pradesh and another***”, ***2018(2) R.C.R. (Criminal) 131***, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.”



3. *There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.*

4. *While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.*

5. *To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that*



there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in In Re-Inhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658

6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

Therefore, to elucidate further, this Court is conscious of the fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction



and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as **“Baljinder Singh alias Rock vs. State of Punjab”** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

5. **Relief**

In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.



The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

02.04.2025
anuradha

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