

**CRM-M-15557-2025 (O&M)****106+216****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-15557-2025 (O&M)****Date of Decision: 16.05.2025****MANJOT SINGH @ JOTA****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

*********Harpreet Singh Brar, J. (Oral)****CRM-18373-2025**

This is an application filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking amendment petition by adding Sections 379-B, 411 of Indian Penal Code in the headnote and prayer clause of the same.

Allowed as prayed for and Sections 379-B and 411 of IPC are directed to be read as part of the other offences mentioned in the headnote and prayer clause of the petition.

Registry is directed to carry out the necessary corrections.

Application stands disposed of.

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1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 131 dated 31.12.2022 registered under Sections 302, 307, 323, 148, 149, 379-B and 411 of Indian Penal Code at Police Station Sadar Raikot, Police District Ludhiana Rural.

2. The present FIR was registered on the allegations that on 29.12.2022, the complainant was present at his house. His son Sandeep Singh

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alias Soni and his friends Sukhraj Singh alias Saaji, Inderjit Singh, Hardeep Singh alias Honey, residents of Bassian, as usual, had gone from the house that they are going for walk at Seeloani Road. The complainant, after waiting them for much time, to see them, was going on his motor cycle towards Seeloani Road. The time would be about 9/9.15 PM, there was gathering on the road near Seetla Mata Mandir and noise of *maarta maarta*. Ladies and 6-7 men were hitting stone blocks on them, whose names are Inderjit Singh @ Gullu armed with iron rod, Sukhpreet Singh @ Sukha armed with wooden baseball, Jagseer Singh @ Seera armed with stick '*danda*', Manjot Singh @ Jota (present petitioner) armed with rod, Jaspreet Singh @ Sadama, Gurpreet Singh, Sandeep Kaur @ Soni, all residents of Bassian and two unknown persons were also with them. In the meantime, Jagseer Singh @ Seera raised lalkara that today teach them lesson for stopping to cut the wood. Then while, the complainant was looking at Jaspreet Singh @ Sadama, Gurpreet Singh, Sandeep Kaur @ Soni, three of them caught his son from his arms and Inderjit Singh @ Gull, with the intention to hit his son Sandeep Singh, gave iron rod blow, which he was holding in his hand, at his head and Manjot Singh @ Jota gave iron rod blow, which he was holding in his hand, on the forehead of his son Sandeep Singh, which after hitting little at the forehead crossed. Sukhpreet Singh @ Seera gave baseball blow, which he was holding in his hand, at the right arm of Sukhraj Singh @ Saaji. Then Sandeep Kaur @ Soni snatched the Apple mobile phone from the pocket of lower worn by his son and Jaspreet Singh @ Sadama, Gurpreet Singh @ Guri and the unknown persons with them took away the motorcycle of Bajaj Company to their home, after snatching it from the friend of his son namely Harvinder Singh @ Gaggi, who came at the spot. The complainant's son fell down, on becoming unconscious due to injuries. The complainant raised alarm

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of maarta maarta, then all of them ran away from the spot along with their respective weapons.

3. Learned counsel for the petitioner *inter alia* contends that similarly situated co accused namely Sandeep Kaur @ Soni, Seera Singh @ Jagseer Singh @ Seera, Jaspreet Singh @ Sudama, Sukhdeep Singh Sukha and Gurpreet Singh @ Guri have been granted regular bails by this Court vide separate orders dated 28.02.2024 (Annexure P-2), 30.05.2024 (Annexure P-3) and 24.01.2025 (Annexure P-4) passed in CRM-M-32795-2023, CRM-M-26587-2024 and CRM-M-44988-2024, CRM-M-45395-2024 and CRR-1184-2024 respectively. Learned counsel further contends that petitioner is alleged to have given one iron rod blow on the forehead of the deceased, however, the said attempt slipped without much impact and the main accused, as per the case set up by the prosecution is Inderjeet Singh. Further, the case set up by the prosecution is not plausible and it would be a moot point to be determined by the trial Court as to whether the petitioner can be held liable for the offence under Section 302 of Indian Penal Code with the aid of Sections 148 and 149 of IPC. Further, the prosecution has examined the complainant before the learned trial Court, who has not supported the case of the prosecution and has been declared as hostile and the petitioner is behind the bars for the last 02 years 04 months and 09 days and out of total 24 prosecution witnesses only 03 have been examined till date.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the grant of regular bail to the petitioner on the ground that petitioner has been specifically named in the FIR(supra) and has taken active participation in the commission of crime. However, he could not controvert the fact that he is not involved in any



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other case and similarly co-accused have already been granted the concession of regular bail by this Court vide Annexure P-2 to P-4 respectively.

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 from the last 02 years 04 months and 09 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 24 prosecution witnesses, only 03 have 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.

6. 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."

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Manjot Singh @ Jota is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

16.05.2025
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No