

**CRM-M-18150-2025 (O&M)****1****224****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-18150-2025 (O&M)****Date of Decision: 08.04.2025****PARAMDALIP SINGH @ SUKHCHAIN SINGH @ PAMMA****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

*********Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 322 dated 12.12.2022 registered under Sections 379-B, 506, 411, 148 and 149 of Indian Penal Code and Sections 25, 27 of Arms Act at Police Station Jandiala District Amritsar Rural District Amritsar.

2. FIR(supra) was registered on the statement of Baljinder Singh @ Preet, who stated that he has a photography shop at his shop at "K.K departmental store" near "Tanki Wala Mod". As per his routine, after covering a marriage function, he was returning to his shop from Haveli Palace, Attari Road, Amritsar in his car No. PB 03 BG 9049 and time was around 7.30 pm. When he entered his shop, after some time, 5 unidentified persons with muffled faces entered his shop and everyone was carrying a pistol like weapon. They all pointed pistol like weapon at him and asked for his car keys and due to fear of pistol, he gave them keys of his car but they told him to take out money from money drawer. Due to fear, he took out around Rs. 1000/- from drawer and kept it on counter and one of them picked up the money and put it in his pocket.



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Then while threatening him they went towards Bandala bus stand side in his car. Further one camera of "sony" make, one photography ladder, one vivo mobile phone having sim No. 7707806173 belonging to his friend were also lying in the car. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel *inter alia* contends that the similarly situated co-accused Gurleen Singh @ Mota has been granted the concession of regular bail by the Co-ordinate Bench of this Court vide order dated 19.10.2023 passed in CRM-M-52516-2023 (Annexure P-2). Learned counsel further contends that petitioner is not named in the FIR and he has been nominated as accused in the FIR(supra) on the basis of his own incriminating confessional statement given in some other case. Further there is no legal evidence to establish the identity of the petitioner as one of the assailants in the present case and petitioner has suffered incarceration of more than 01 year and 07 months and prosecution has not been able to conclude its evidence.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that there is sufficient material available on record to prove the complicity of the petitioner and moreover, the petitioner is a habitual offender and involved in 07 more cases. However, learned State counsel could not controvert the fact that out of total 11 prosecution witnesses none has been examined till date.

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 01 year 07 months and 29 days. Out of total 11 prosecution witnesses, not even a single prosecution witness has been examined till date. Therefore, conclusion of trial shall take considerable long time.



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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 of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Paramdalip Singh @ Sukhchain Singh @ Pamma is ordered to be



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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.

10. 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

08.04.2025
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No