228 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18342-2025 (O&M)
Date of Decision: 08.04.2025

SAVINDER SINGH **...PETITIONER**

Versus

STATE OF PUNJAB **...RESPONDENT**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Narula, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

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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. 146 dated 28.12.2024 registered under Sections 333, 118(2), 115(2), 324(4), 191(3) and 190 of Bhartiya Nyaya Sanhita, 2023 at Police Station Bhindi Saidan, District Amritsar Rural.

2. The FIR(supra) was registered on the basis of statement of Ranjodh Singh, who stated that they are three brothers and one sister. Out of which his elder brother Karanjit Singh and sister Amanjeet Kaur are married and he was unmarried. His elder brother Karanjit Singh contested for the *Sarpanchi* elections from Village Ghoga and equal to his brother Karaj Singh son of Narender Singh resident of Village Ghoga also contested the said election. But Karaj Singh lost the said elections and his elder brother won the *Sarpanchi* elections. On dated 21.11.2024, it would be around 9.00 clock when he was closing his shop, then Sarwan Singh, Karaj Singh and Raj Singh, all armed with *Datar*, Balwinder Singh and Savinder Singh (petitioner herein) armed with *Kirpan*, Dilbagh Singh armed with Gandasi and Satnam Singh armed with

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Datar, all residents of Village Ghoga, came and on reaching, Karaj Singh raised *lalkara* to catch them and let them have a fun of contesting the elections of *Sarpanchi* against them. At this, Sarwan Singh gave a *Datar* blow to the complainant which hit on his right eye, then Savinder gave a *Kirpan* blow to him, which hit him on the eyebrow of his right eye. He ran and entered his house and started shouting *"Maar Ditta Maar Ditta"*, and on hearing his hue and cry, his father Major Singh came forward to rescue him, then Satnam Singh gave *Datar* blow on his father, which hit on his left leg and he fell down on the ground. Thereafter, the said persons inflicted multiple injuries on his father while he was lying down and also damaged the plastic chairs lying in the house. On their shouting, his elder brother Karanjit Singh and other people living in the neighbourhood started gathering. Then the said persons ran away from the spot along with their weapons. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel *inter alia* contends that petitioner has been falsely implicated in the FIR(supra). It is a case of version and cross-version and there is a delay of 37 days in lodging the FIR(supra), which creates serious dent on the case set up by the prosecution and it would be a moot point to be determined by the learned trial Court as to which party was the aggressor. Further the co-accused Satnam Singh has been granted the concession of anticipatory bail by this Court vide order dated 15.02.2025 passed in CRM-M-2259-2025. Investigation of the case is complete and conclusion of trial will take considerable long time and the petitioner is not involved in any other case. Learned counsel further contends that in the same occurrence, co-accused Raj Singh and Sarwan Singh also suffered injuries and their MLRs are available on record as Annexure P-2 and P-3 respectively.

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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 accused-petitioner is alleged to have given a blow on the right eye-brow of the complainant with a sharp edged weapon. As such, he is not entitled to grant of any concession by this Court. However, he could not controvert the fact that petitioner is not involved in any other case.

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 03 months and 09 days as on 07.04.2025 and not even a single prosecution witness has been examined till date. The petitioner is not involved in any other case. Conclusion of trial shall take considerable long time. 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.

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 demo cracy, there can*

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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 namely Savinder Singh 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.

8. 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 *Yes/No*
Whether reportable *Yes/No*

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