



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

CRM-M-18438-2025
Date of decision: 09.04.2025

GURDEEP SINGH @ GEEPA

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Armaan Gagneja, Advocate for
 Mr. Gunjeet Singh Brar, Advocate
 for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail to the petitioner in case bearing FIR No.381 dated 27.07.2024 under Sections 115, 118(1), 118(2), 190, 191(2), 191(3) and 351(2) of Bharatiya Nyaya Sanhita, 2023 registered at Police Station Dabwali Sadar, District Sirsa.

2. In brief, facts of the case are that the complainant Ranjeet Singh stated that on 25.07.2024, when he along with his father and cousin was taking bath at home, at about 9:00 PM, Lala Singh, Gurdeep Singh (petitioner herein), Lambi Singh, Rahul, Makhan Singh, Kulwinder Singh, Joginder Singh and Nikka Singh armed with their respective weapons i.e. *danda*, *kappa*, *sotti* and spade came into their house and started abusing them. Thereafter, all of them gave beatings to the complainant, his father and his cousin on various parts of their body. When the other persons arrived at the



spot, the assailants fled away while extending threat of life. The reason for the incident was previous altercation of accused persons with the father of the complainant. Hence, the FIR (*supra*) was registered against the petitioner.

3. Learned counsel for the petitioner, *inter alia*, contends that two co-accused, namely, **Sohan Singh alias Rahul Singh** in case bearing **CRM-M No.61256 of 2024** decided on 19.12.2024 (Annexure P-3) and **Kulwinder Singh alias Makhan** in case bearing **CRM-M No.57555 of 2024** decided on 27.11.2024 (Annexure P-4) have been granted the concession of regular bail by this Court. He further contends that the investigation of the case is complete and all the offences are triable by the Magistrate. He submits that the petitioner is a young boy of 19 years of age, having clean antecedents and is behind the bars since 13.08.2024. He further submits that the complainant is not coming forward to depose after the framing of charges on 27.11.2024.

4. Learned State counsel produces the custody certificate of the petitioner, which is take on record and *per contra*, opposes the prayer of the petitioner on the ground that the petitioner is the main accused in the present case as he has given grievous hurt to the cousin of the complainant and has been specifically named in the FIR (*supra*). However, he could not controvert the fact that the petitioner is not involved in any other case.

5. 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.”

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bar since 13.08.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made any progress as out of 14 witnesses cited by the prosecution, 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. 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.

7. In view of the above, the present petition is allowed. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the petitioner-Gurdeep Singh @ Geepa is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.



8. 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.

April 09, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |