



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

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**CRM-M-18723-2025 (O&M)
Date of decision: 21.04.2025**

Mohinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.105 dated 15.06.2024 registered under Sections 323, 324, 34 IPC (Section 326 IPC added later on) at Police Station Sadar Fazilka, District Fazilka.
2. The brief facts of the case are that on 04.06.2024 at about 09:00 AM, Paramjit Kaur, a resident of Village Dona Nanka, reported that her uncle-in-law Phuman Singh, with the help of Mahinder Singh, Jajj Singh, and Bimla Bai, attempted to forcibly take possession of the land belonging to her other uncle-in-law, Prem Singh. During the altercation, Jajj Singh attacked Prem Singh on his head with a wooden stick and when Paramjit Kaur and her father-in-law Joginder Singh tried to intervene, Mahinder Singh attacked with a gandas, which missed Joginder Singh but hit Paramjit Kaur on the right side of her head.



Bimla Bai also verbally abused them during the altercation. Thereafter, the accused persons fled away from the spot after extending threats. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that it is a case of version and cross-version and the petitioner has been falsely implicated in the case after a delay of 10 days, which creates a serious dent on the case set up by the prosecution. Further the injury invoking the provisions of Section 326 IPC has been specifically attributed to co-accused Jajj Singh whereas the injury attributed to the present petitioner is simple in nature and all the family members of the petitioner has been roped in the alleged incident.

4. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was duly named in the FIR (*supra*) and he has been attributed a blow with a gandasa on the head of the complainant, however, he could not controvert the fact that it is a case of version and cross-version and the injury attributed to the petitioner is simple in nature.

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 months and 05 days. Investigation is under process and the final report under Section 173 Cr.P.C. is yet to be presented before the concerned Court.



6. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. 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. 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.

8. In view the discussion above and considering the fact that the FIR (supra) was registered on 15.06.2024 and the investigating agency has not completed the investigation till date, the present petition



is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Mohinder Singh is ordered to be released on regular bail during pendency of the trial, on his 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

21.04.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No