



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

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CRM-M-19362-2025 (O&M)

Date of decision: 22.04.2025

Gagandeep Singh @ Bunty

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Bhatia, 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 (wrongly mentioned as Section 528 of BNSS, 2023), is for grant of regular bail to the petitioner in FIR No.67 dated 23.06.2021 registered under Sections 341, 379-B(2), 506, 34 IPC at Police Station Mohkampur, District Amritsar.

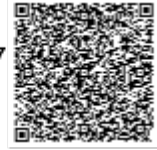
2. As per the allegations in the FIR, on 22.06.2021, at about 8:30-9:00 PM, Ram Bhawan, while returning home with a fruit cart, was stopped near Sankalp School by Neeraj alias Munshi and Bunty (petitioner herein), both residents of Bharat Nagar. Thereafter, Neeraj attacked him on his left leg with a datar, and Bunty stole Rs.4,000/- from his pocket. The accused also threatened to kill him if he reported the incident to the police. Thereafter, the impugned FIR was registered.



3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The petitioner was initially granted the concession of regular bail on 09.12.2021 and he has been regularly appearing before the learned trial Court, however, the petitioner is suffering from depression and as such, he could not appear before the learned trial Court and ultimately, he was declared as proclaimed offender vide order dated 17.04.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Amritsar. Thereafter, the petitioner was arrested on 18.01.2025 and till date, he has suffered the incarceration of 08 months and 20 days. Further, the allegation against the petitioner is for snatching Rs.4,000/- and there is nothing available on record to establish the identity of the petitioner as the person involved in the alleged incident.

4. Learned counsel for the petitioner further submits that there are total 08 prosecution witnesses cited in the list of witnesses, out of which, none has been examined till date and the trial is likely to take long time in conclusion.

5. *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 has been duly named in the FIR (supra) and he has snatched Rs.4,000/- from the complainant and even remained absented from the Court proceedings for a period of 03 years and is involved in 02 more cases of similar offence and as such, he is not entitled to any



relief, however, he could not controvert the fact that out of 08 PWs, not even a single prosecution witness has been examined till date.

6. 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 08 months and 20 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 08 prosecution witnesses, no PW has been examined so far.

7. 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."

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. Further keeping in view the law laid down by the Hon’ble Supreme Court of India in “*Prabhakar Tewari vs. State of U.P. and another*” 2020 (1) R.C.R. (Criminal 831) and “*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Gagandeep Singh @ Bunty 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.

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

22.04.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No