



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

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CRM-M-20626-2025

Date of decision: 24.07.2025

Jaspreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Soeb Murad Khan, Advocate
with Mr. Himanshu Bansal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023 (corresponds to Section 439 Cr.P.C.), is for grant of regular bail to the petitioner in FIR No.86 dated 27.07.2024 registered under Sections 310(4) and 310(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station Maur, District Bathinda.

2. The FIR in question was lodged pursuant to receipt of a secret information to the effect that Avtar Singh @ Lali, Jaspreet Singh (petitioner herein), Teja Singh, Gurwinder Singh, Jora Singh, Akashdeep Singh, Kulvir Singh and Mandeep Singh were habitual offenders and used to snatch cash, mobile phones etc. from passersby and that on the given day, they were planning to commit some heinous crime and were present near the canal (sua) falling under the jurisdiction of Maur Kalan and were armed with deadly weapons. Pursuant to said



information, a raid was conducted at the nominated place and 03 persons were apprehended at the spot including the petitioner. Avtar Singh @ Lali was found in possession of stolen motor-cycle, while the petitioner along with other co-accused, was found in possession of one kirch each.

3. Learned counsel for the petitioner *inter alia* contends that similarly situated co-accused, namely, Avtar Singh @ Lali has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 26.11.2024 passed in CRM-M No.49672 of 2024. Likewise, another co-accused Gurwinder Singh has also been granted the concession of regular bail by this Court vide order dated 10.07.2025 passed in CRM-M No.7149 of 2025. He further contends that the FIR (supra) was registered on the basis of secret information and apart from the said secret information, there is nothing on record to remotely suggest that the petitioner was making any preparation to commit any crime as alleged in the case set up by the prosecution. Furthermore, the stolen motorcycle was recovered from the possession of co-accused, namely, Avtar Singh @ Lali, who has already been granted the concession of regular bail.

4. Learned counsel for the petitioner further submits that the investigation of the case is complete and the petitioner has suffered an incarceration of more than 11 months. There are total 07 prosecution witnesses cited in the list of witnesses, out of which, no PW 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 and status report by way of affidavit of Kuldeep Singh, Deputy Superintendent of Police, Sub-Division Maur, District Bathinda, today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly established and he is involved in one more case registered under the provisions of Indian Penal Code, however, he could not controvert the fact that the petitioner is in custody for the last 11 months and 22 days.

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 11 months and 22 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 07 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.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Jaspreet 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.



11. 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

24.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No