

**CRM-M-21085-2025 (O&M)****1****222****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-21085-2025 (O&M)****Date of Decision: 29.04.2025****MAJOR SINGH****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This is the first petition petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No.99 dated 02.11.2024 registered under Sections 110, 331(6), 115(2), 191(2), 192, 351(3), 324(6) of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 126(2), 190 of BNS added later on) at Police Station Cheema, District Sangrur.

2. The criminal law was set into motion on the statement of complainant Sukhdev Singh to the effect that on 01.11.2024 at about 11.00 P.M. when he along with his sons Harinder Singh, Dilpreet Singh son of Jagraj Singh and Boota Singh son of Chhota Singh were talking to each other, Sita Singh his neighbourer got opened the door of his house by calling him. In the meantime, Chamkaur Singh, Seera Singh, Makhan Singh and Kewal Singh forcibly entered into the house of the complainant and dragged his son in the street by holding his arms. Complainant saw in the street light that Shanty Singh and Bunty Singh, armed with motorcycle gears fitted in the wooden log(a self designed

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deadly weapon), Lovepreet Singh armed with Dang, Hardeep Singh armed with Rod, Satnam Singh armed with Dang, Amritpal Singh armed with Khapra and Major Singh (petitioner herein) armed with Dang, encircled his son Harinder Singh. Sita Singh raised exhortation stating to catch hold of son of complainant and not to spare him. In the meanwhile, Shanty Singh gave a blow of gear fitted in wooden log on the head of Harinder Singh which hit on his forehead. Bunty Singh then gave a blow with gear fitted in wooden log on the head of Harinder Singh, which hit on his left ear. Lovepreet Singh gave *Dang* blow on the head of Harinder Singh near his left ear. Hardeep Singh gave Rod blow in the middle of the head of Harinder Singh. Satnam Singh gave *Dang* blow on the backside of head of Harinder Singh. Amritpal Singh gave blow of *Khapra* on the head of Harinder Singh. Major Singh gave *Dang* blow on the head of Harinder Singh which hit behind his right ear. Harinder Singh son of the complainant started bleeding profusely and fell down. While he was lying on the ground, accused kept on inflicting injuries to him and they also damaged the main gate of house of the complainant. Complainant raised hue and cry where after the accused persons after giving threats to kill them, escaped from the spot along with their respective weapons. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that similarly situated co-accused namely Kewal Singh and Makhan Singh have been granted the concession of regular bail by this Court vide judgment dated 24.04.2025, passed in CRM-M-11545-2025. Further *prima facie*, no offence under Section 110 of BNS is made out as the opinion has been procured from a private hospital by the complainant and further the opinion is also vague as none of the injuries individually or specifically has been declared as dangerous to life and all the in-



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juries collectively have been declared as dangerous to life and none of the injuries are grievous in nature and it would be a moot point to be determined by the learned trial Court as to whether the petitioner can be held liable for the offence under Section 110 of BNS. Further, all the injuries are result of blunt weapons and petitioner is behind the bars since 03.11.2024 and he is not involved in any other case.

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 petitioner is main accused and specific injuries have been attributed to him, however, he could not controvert the fact that the petitioner is confined in judicial custody for the last 05 months and 20 days and out of total 25 Pws, none has been examined so far and the 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 since 08.11.2024 and he is not involved in any other case. Further, out of total 25 Pws, none has been examined till date. Therefore, conclusion of trial shall take considerable long time.

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

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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.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Major 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.

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

29.04.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No