



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
228

CRM-M-22560-2025 (O&M)
Date of decision: 08.07.2025

Hemjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Saini, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Rajesh Gupta, Advocate
with Mr. Ramandeep Singh, Advocate
for the complainant.

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.352 dated 15.12.2024 registered under Sections 308(5), 126(2), 127(2) of BNS, 2023, Section 25 of the Arms Act, 1959 (Sections 311 and 238 of BNS added later on) at Police Station Sohana, District S.A.S. Nagar (Mohali).

2. The brief facts of the case are that on 03.12.2024 one Askaranjeet Singh, a resident of Ambala, was returning from a meal at a roadside dhaba on Landran-Banur road, and was heading towards Sector 104, Mohali, when he was suddenly intercepted by a white Verna car. It was dark, so he couldn't catch the registration number. Two men got out



of the car, one was holding a stick and the other Sikh man, was holding a pistol in his hands. They forced Askaranjeet into the backseat of his own car at gunpoint, with the armed man sitting beside him, while the other took control of the vehicle. As they drove towards village Sukhgarh, they switched him into their Verna car and began robbing him. They snatched his purse, which had ₹5,500 in cash, his driver's license, car registration documents, Aadhaar card, and mobile phone. Under pressure, Askaranjeet was made to share his GPay password, and ₹40,000 was transferred to an account linked to someone named Lovepreet Singh. When his balance ran low, the assailants forced him to call his brother-in-law, from whom he managed to get ₹50,000 transferred, which they then stole via another GPay transaction linked to mobile No.7719790806. Eventually, they dropped him off near CP-67 Mall on Airport Road in Mohali, and handed back his phone and threatened to kill him. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the FIR (supra) and no specific role has been attributed to the petitioner. There was a monetary dispute between the petitioner and the complainant, which has been converted into the FIR (supra) with the allegations of extortion, only to aggravate the offence and to make it a non-bailable offence. The petitioner is having clean antecedents and not involved in any other case. Further, during the pendency of the present petition, the dispute between the petitioner and the complainant has been amicably resolved



and the petitioner has paid Rs.94,000/- to the complainant and a compromise has been effected between the parties.

4. Learned counsel for the petitioner further submits that there are total 07 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date as charges are yet to be framed and the trial is likely to take long time in conclusion.

5. Learned counsel for the complainant has produced the affidavit of the complainant in the Court today, which is taken on record as Mark X.

6. The Registry is directed to tag the said affidavit at appropriate place.

7. Learned counsel for the complainant affirms the factum of compromise and also the fact that the complainant has received an amount of Rs.94,000/- from the petitioner.

8. On the other hand, 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 allegations against the petitioner are serious in nature as one country-made pistol was recovered in the present case, however, he could not controvert the fact that the matter stood compromised between the petitioner and the complainant.

9. 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 06 months and 13 days. Investigation is complete.



The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not made much progress.

10. 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."

11. 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.



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

13. 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

08.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No