

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

CRM-M-24148-2025

Date of decision: 01.07.2025

Sandeep Singh alias Tollu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.171 dated 27.08.2023 under Sections 307/120-B of IPC and Sections 25/27/54/59 of Arms Act registered at Police Station Gate Hakima, Amritsar (Annexure P-1).

Succinctly, the facts of the case are that when the complainant at about 09:00 P.M. while passing through Gali No.36 and going to Bhadar Kali Mandir, one Anil along with his fellow riding on black Activa accompanied by the petitioner with his fellow riding on motorcycle stopped his path. Further, Anil and the petitioner took out their pistols from their waists and pointed towards the complainant and Anil told the petitioner to fire bullet on him and teach him lesson. Thereafter, the complainant ran from there in order to save his life and was tried to enter the house of his brother, namely, Rohit Singh. Upon hearing the commotion, his brother with the assistance of nearby residents, raised an alarm following which the accused persons fled the scene on their motorcycle along with their weapons and thus, the present FIR.



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Learned counsel for the petitioner *inter alia* contends that the bare perusal of the FIR (*supra*) clearly indicates that no specific injury has been attributed to the present petitioner. Further, the necessary ingredients to invoke the offence under Section 307 of IPC are not available on record and in the alleged incident, nobody has suffered any injury and FIR (*supra*) was registered after a delay of one day and further, co-accused, Anil, who is alleged to have used the fire arm weapon, has been released on bail by the learned Additional Sessions Judge, Amritsar. He further submits that the petitioner is behind the bars since 30.12.2024 and investigation of the case is complete, however, till date, out of 13, not even a single prosecution witness, has been examined.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner is involved in two more cases, out of which, one has been registered for the offence under Section 324 of IPC and another for the offence under Section 379-B of IPC read with Section 411 of IPC. He further submits that the petitioner has actively participated in the alleged incident, as such, he is not entitled to any relief.

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 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.”

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 30.12.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 13 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Sandeep Singh @ Tollu, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of

opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

01.07.2025
Neha

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