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

CRM-M-25334-2025

Date of decision: 14.05.2025

Naveen Kumar @ Navin @ Rishu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Dhiraj Jindal, 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 seeking regular bail in case bearing FIR No.03 dated 03.01.2021 under Sections 341/323/427/506/148/149 of IPC registered at Police Station Division No.4 (Lahori Gate) District Patiala (Annexure P-1) (charges framed under Sections 382/325/341/323/427/506/148/149 of IPC).

The brief facts of the case are reproduced as under:-

'It is recorded that at this time statement of Abhitmansher Singh son of Manpreet Singh resident of House no.22 Brar Street near gate No. 22 Patiala Fatak, Police Station Civil Line Patiala, District Patiala against Harpreet Singh alias Happy resident of Near Moti Bagh Patiala, Rishu, Harry Boxer resident of near Fire Brigade Nabha Gate Patiala, Anmol and 3, 4 unknown boy written by SI Chainsukh Singh 589/Pati: Police Station Lahori Gate Patiala by hand received by PHG Bhagwan Singh 18120 Lahori Gate Patiala, whose statement is," statement of Abhitmansher Singh son of Manpreet Singh Resident of House No.22 Brar Street Near Gate No. 22 Patiala, Police Station Civil Line Patiala, District Patiala Age about 23 years Mobile No. 75086-00022 declare that I am a resident of the said address and after completing my education I am currently searching for the job. Last night I rode in my car number PIS-21 mark Volkswagen and went to my friend



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Jai Singh son of Mr. Sukhdev Singh resident of # 695 Gali No.3 Ranjit Nagar B Patiala from Bhadso road Patiala for some important work and after meeting him, both of us again went on the same vehicle and were coming to our house at No. 22 Fatak while passing through Dukhniwaran Sahib Gurudwara. When we started to cross Lahil Chowk, 3 vehicles came behind us and while entering on the bridge hit our car slightly and then went ahead with the car, then it was around 1 AM that the boys in the three cars stopped our car by putting his car in front of our car in front of Harbans Restaurant while we were getting off from the bridge. 7/8 people got down and surrounded our car and threatened us and abused us and pulled us both out from our car. These three cars are of SWIFT brand and the number plate of which is PB 11 BZ 0595. The driver of this car had a iron rod in his hand and the others also had sticks in their hands. The boy holding the iron rod, as soon as he saw me, hit my face on the left side with his iron rod. When he started to hit the second time, I put my right arm forward to protect myself then he hit my right arm. Others also gave us hard beatings to both of us, surrounded us, threatened to kill us and tried to kill us, and hit my car with the rods, broke the front glass of the car and also damaged the vehicle and they made "lalkaaras". I know the name of the boy who hit me with an iron rod, his name is Harpreet Happy, a resident of Moti Bagh, near Nabha Gate, and among them Rishu, a resident of near Fire Brigaid Nabha Gate, Harry Boxer, a resident of near Fire Brigade Nabha Gate Patiala and Anmol were known to me. It seems that apart from this, there were 3/4 other unknown boys as well. We screames there "maarta maarta" where one or two car drivers stopped their cars, then all these boys got into their cars and fled from the spot. Last night, both of us, were admitted to RH where we were treated. Strict legal action should be taken against all the persons. Statement has been heard correct and is written at RH Patiala. SD/-Abhit Attestation SD/- Chainsukh Singh SI Police Station Lahori Gate Patiala Date 3/1/2021.'

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and all the offences are bailable except Sections 325/382 of IPC. The injury for which Section 325 of IPC is invoked is specifically attributed to co-accused, namely, Harpreet Singh. He further submits that the petitioner was released on anticipatory bail by



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this Court in CRM-M-7975-2021. The petitioner has been appearing regularly before the learned trial Court, however, he could not appear and thereafter, on 20.01.2024, he was declared as proclaimed offender and he was finally arrested on 02.12.2024. The petitioner has suffered incarceration of more than 05 months and 11 days and all the offences are triable by Magistrate. Although the petitioner is involved in other cases but he is on bail on all those cases.

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 a habitual offender and he has misused the concession of bail and remained absconded for one year. He further submits that the complicity of the petitioner is duly proved, 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



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record of the case, it transpires that the petitioner is behind the bars since 02.12.2024. 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 15 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-Naveen Kumar @ Navin @ Rishu 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.

However, the petitioner is directed to deposit Rs.50,000/- before the learned trial Court and the same shall be forfeited in case the petitioner absented himself from appearing before the learned trial Court without any sufficient cause.

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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

14.05.2025*Neha*

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