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217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25765-2025 (O&M)
Date of Decision: 16.05.2025

NARINDER SINGH @ ROBIN @ ROBA ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This is the second petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 244 dated 28.09.2021 registered under Sections 307, 326, 341, 323, 324, 148 and 149 of Indian Penal Code at Police Station Chheharta, District Police Commissionerate.

2. The brief facts of the case are that Kashmir Singh, a 50 years old vegetable vendor from Baba Farid Nagar, Amritsar, stated that his son, Manpreet Singh @ Mann and his friend Varinder Singh @ Mithu attended a birthday party on the evening of 27.09.2021. At around 1:00 AM, when they were returning home on a motorcycle, they were ambushed near Milap Avenue by Hazara, Labha, Mann, Roba(petitioner herein) and others, who arrived in cars and on motorcycles, armed with *kirpans* and *datars*. The assailants encircled the two and attacked them, causing severe injuries to their heads and other parts of their bodies. Kashmir Singh rushed to the spot and he along with his son's friends, took the injured to Amandeep Hospital, Amritsar, for treatment. Thereafter, the impugned FIR was registered.



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3. Learned counsel for the petitioner *inter alia* contends that this is the second petition seeking grant of regular bail to the petitioner and the first petition was dismissed as withdrawn on 20.01.2024. The present petition has been filed under the changed circumstances as two of the co-accused i.e. Lovepreet Singh @ Labha and Jujhar Singh @ Hazara have been granted the concession of regular bail by this Court vide order dated 03.04.2025 passed in CRM-M-21409-2024 and CRM-M-12151-2025 (Annexure P-4). Learned counsel further submits that the main accused namely Jujhar Singh @ Hazara has already been granted the concession of regular bail vide the aforementioned order of this Court and statement of the injured witness Manpreet Singh has been recorded after a delay of 14 days of the alleged occurrence and material improvements have been made in his statement and additionally, it is a matter of trial as to which of the injuries suffered by the injured are dangerous to life and petitioner is behind the bars since 06.03.2022 i.e. for more than 03 years and only 09 PWs have been examined so far.

4. Learned State counsel *per contra* opposes the grant of regular bail to the petitioner on the ground that petitioner has been specifically named in the FIR and has taken active part in committing of crime and he is also involved in two more cases. As such he is not entitled to any relief by this Court. However, he could not controvert the fact that petitioner is behind the bars since 06.03.2022 and only 09 PWs have been examined so far.

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 06.03.2022 i.e. for more than 03 years and 02 months. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as only



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09 PWs have 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.

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 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. In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Narinder Singh @ Robin @ Roba is ordered to be released on regular bail



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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

16.05.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No