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

CRM-M-26255-2025

Date of decision: 20.05.2025

Raj Singh

....Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Rakesh Kumar Kashura, Advocate
for the complainant.**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.110 dated 14.06.2024 (Annexure P-1) under Sections
452/324/323/427/506/148/149 of IPC registered at Police Station Guruharsahai,
District Ferozepur.

The facts as alleged in the FIR are reproduced as under:-

'12. F.I.R. Contents (attach separate sheet, if required): Statement of Kaushalya Bai wife of Gurdeep Singh resident of New Panj Grain @ Rana Panj Grain aged about 60 years, Mobile No. 70718-67000. Stated that I am a resident of above said address and do household work. I along with my family have been living in village New Rana Panj Grain @ Rana Panj Grain for last 25/30 years. My husband Gurdeep singh remained Head (Sarpanch) of village. I have two sons and one daughter, who all are married. My elder son Ravinder Singh and my daughter- in-law Binder Kaur are Govt. teachers, who live in Jalalabad. My younger son Harjinder Singh and my daughter-in-law Balwinder Kaur live with me. My husband Gurdeep Singh has died about 6 years ago. I have 22 kilas of land, in which land measuring 5 kanals 14 marlas of land out of land comprised in Murabba No. 45 Klla No. 21 situated in New Rana Panj Grain is also with me, which we have been cultivating for last 25 years and I am in possession of the same and wheat has been sown on it. The house of my brother Raj Singh son of Kashmir Singh resident of New Rana Panj Grain is adjacent to my house. My brother Raj Singh son of



Kashmir Singh wanted to forcibly take possession over my land measuring 5 kanals 14 marlas comprised in Murabba No. 45 Killa No. 21 situated in New Panj Grain, due to which we had filed case in learned court at Guruharsahai and learned court at Guruharsahai had granted stay. On 26.12.2023, I and my son Harjinder Singh were at home that at about 3:30-4:00 PM, my brother Raj Singh son of Kashmir Singh, his son Gurpreet Singh, Karan Singh sons of Raj Singh, Surjit Kaur wife of Raj Singh, Sunita Rani daughter of Raj Singh residents of New Rana Panj Grain, Chiman Singh son of Kashmir Singh, Surjit Singh son of Chiman Singh, Sukhwinder Singh son of Bhag Singh residents of Rao Ke Hithar, Mal Singh son of Diwan Singh resident of Chak Panjo Ke Hithar, Ajay Singh son of Bittu Singh resident of Amir Khas and 4/5 unknown persons armed with weapons forcibly entered in our home and Raj Singh, Chiman Singh son of Kashmir Singh raised a lalkara (exhortion) saying, "Teach them a lesson today for not leaving the possession of land." At this, I moved forward, whereupon Karan Singh gave a dang blow to me, which hit on my right leg. Then Ajay son of Bittu Singh resident of Amir Khas gave a dang blow to me, which hit on my right shoulder. Then Gurpreet Singh son of Raj Singh gave a kappa blow, whereupon I raised my left arm in my defence, whereupon it hit on my left arm. I fell down on the ground and while I was lying down, Surjit Kaur wife of Raj Singh gave a blow to me with small gandasi from its reverse side, which hit on my back. Thereafter Sukhwinder Singh son of Bhag Singh resident of Rao Ke Hithar gave a dang blow to me, which hit on my breast. Sunita Rani daughter of Raj Singh and Mal Singh son of Diwan Singh gave fist blows and kicks while I was lying down. I raised an alarm loudly, whereupon my son Harjinder Singh and nearby people gathered, who rescued me from them and on seeing the gathering of the people, above said accused fled away from the spot with their respective weapons while giving threats of life and also broke the window panes of our home. My son Harjinder Singh arranged the conveyance and got me admitted in Civil Hospital Mamdot, where the doctor gave treatment to me. After treatment, I was discharged. Till now the talks of compromise were going on, but it did not materialize. The cause of grudge is that Raj Singh etc. want to take possession of my 5 kanals 14 marlas of land forcibly and due to this grudge, they have inflicted injuries to me. Legal action be initiated against them. I have got recorded my statement. I have heard the same, which is correct. Sd/ Kaushalya Bai (with RTI) Corroborated by Sd/ Harjinder Singh son of Gurdeep Singh resident of New Rana Panj grain, Attested: Sd/- Resham Singh ASI PS Guruharsahai. Date: 31.12.2023." Police Proceedings:- On 28.12.2023, a telephone call was 764/AGS/MLR/CHP/2023 in respect of injured Raj Singh son of Kashmir Singh resident of Rana Panj Grain and MLR No. 763/AGS/MLR/CHF/2023 in respect of injured Sunita Rani daughter of Raj Singh resident of Rana Panj Grain and reached Civil Hospital Ferozepur and inquired about above said injured, whereupon the doctor informed that both injured have gone home after getting them discharged. At this, injured were contacted on mobile No. 87288-82005, who said that they will come present in police station and get recorded their statements. In this regard, on return at Police Station, report No. 33 dated 28.12.2023 was entered in roznamcha. Today I the ASI along with Senior Constable Amandeep No. 1315/Ferozepur, lady Senior Constable Shakuntla Rani No. 20/FZR, PHG Bagh Singh No. 5360 reached house of injured Kaushalya Bai wife of Gurdeep Singh resident of New Rana Panj Grain @ Rana Panj Grain, where injured Kaushalya Bai and her son Harjinder Singh met present. Injured Kaushalya Bai got recorded her above said statement with me. Statement was reduced into writing and read over and explained to her, who after hearing the statement, admitted its correctness and put her right thumb mark underneath the statement and Harjinder Singh son of injured Kaushalya Bai corroborated the statement, to which I attested. In



MLR No. 1144/RB/CHCMDT/23 of injured Kaushalya Bai wife of Gurdeep Singh resident of Rana Panj Grain, the doctor has mentioned total 5 injuries and injury Nos. 1, 2, 3 have been mentioned as 'under x-ray' and injury No. 04, 05 are mentioned as simple. In MLR, the doctor has mentioned injuries Nos. 1, 2, 4, 5 caused with blunt weapon and injury No. 3 is mentioned as sharp, which have been kept under x-ray examination and on receipt of report, action will be initiated accordingly. The above said statement and result of doctor prima facie discloses the commission of an offence under sections 452, 324, 323, 427, 506, 148, 149 IPC. Therefore the statement is being sent to Police Station through PHG Bagh Singh No. 5360 for registration of case FIR. After registering the case FIR, number thereof be intimated. PCR be informed through W/M. I the ASI along with accompanying officials become busy in conducting investigation at the spot. Sd/ Resham Singh, ASI PS Guruharsahai. Date: 31.12.2023. In the area of village New Rana Panj Grain @Rana Panj Grain Police Station Guruharsahai. At 06:30 PM." At the Police Station: On receipt of above said statement at police station, case FIR for the above said offence has been registered against aforesaid accused. Copy of the FIR together with original statement is being sent to ASI through incoming PHG. PCR/FZR is being informed through W/M.'

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case due to property dispute between the petitioner and his nephew. Further, there is an unexplained delay of 24 hours in lodging the FIR (*supra*). A civil dispute regarding the property dispute is already pending between the parties and the local police is acting under the influence of the complainant and have falsely implicated the petitioner in two cases. All other offences except Section 452 of IPC are bailable and the petitioner has suffered incarceration for more than 10 months and till date, not even a single prosecution witness has been examined out of 15. The injuries attributed to the petitioner are simple in nature.

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 specifically named in the FIR (*supra*) and specific injury has been attributed to the petitioner. The petitioner has inflicted injuries on the complainant and his mother once again



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on the day of incident and thereafter, on the next date, another FIR has been registered against the petitioner, 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 03.07.2024. 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, not even a single prosecution witness 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



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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-Raj Singh 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

20.05.2025

Neha

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