



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

237

CRM-M-28753-2025

Date of decision: 31.07.2025

Gurmeet Singh @ Gagi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. M.S. Bhatti, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

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.40 dated 03.03.2024 registered under Sections 302, 120-B, 427 IPC at Police Station Sadar Ludhiana, District Ludhiana.
2. As per the prosecution version, on 01.03.2024 at around 7:30 PM, complainant Birpal Singh, a carpenter, was on his way home when Kulwinder Singh @ Kala stopped him without reason, grabbed his collar, and abused him. Birpal left without responding and later, at around 8:15 PM, went to Lalton Kalan Police Post with his father Hari Ram, brother Buta Singh, nephew Navjot Singh, another Buta Singh (son of Sukhdev Singh), and cousin Gagandeep Singh to file a complaint. At around 9:10 PM, while Birpal and his father were returning home on a motorcycle, a Bolero Jeep driven by Kulwinder



Singh @ Kala followed them. Gurmeet Singh @ Jaggi, from the jeep, allegedly incited Kulwinder to ram the motorcycle, intending to kill them. As a result, Birpal and his father fell, and the jeep was then reversed over Hari Ram's head. Both fled the scene. Hari Ram was taken to Pancham Hospital, later referred to DMC and PGI Chandigarh, where he succumbed to injuries on 02.04.2024, leading to the registration of the FIR.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). Further the deceased father of the complainant had died in a road side accident which has been converted into a case under Section 302 IPC. A perusal of the FIR (supra) clearly indicates that the occurrence took place when deceased was coming back to his house on his motorcycle and the accused including the petitioner were travelling in a bolero jeep. Further as per the case set up by the prosecution, the petitioner is alleged to have exhorted the co-accused to struck the jeep against the motorcycle and kill the complainant and his father Hari Ram. Learned counsel for the petitioner further submits that the similarly situated co-accused Sarabjit Kaur has already been granted the concession of regular bail by this Court vide order dated 06.02.2025 passed in CRM-M-53093-2024.

4. Learned counsel for the petitioner further submits that the investigation is completed and there are total 24 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.



5. *Per contra*, learned State counsel has filed custody certificate and status report by way of affidavit of Harjinder Singh, Assistant Commissioner of Police (South), Police Commissionerate, Ludhiana today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly established and he has exhorted the main accused to kill the deceased and as such, he is not entitled to any relief, however, he could not controvert the fact that the petitioner is not involved in any other case.

6. 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 01 year, 04 months and 18 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 24 prosecution witnesses, no PW has been examined so far.

7. 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.”

8. 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.

9. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Gurmeet Singh @ Gagi 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.

10. 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

31.07.2025

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