



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

CRM-M-27057-2025

Date of decision: 22.05.2025

**LOVEPREET SINGH ALIAS LABHI ALIAS LAKHWINDER SINGH
ALIAS LABBI**

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishav Jain, Advocate and
 Ms. Shivaly Singla, Advocate
 for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 BNSS (439 Cr.P.C.) for grant of regular bail to the petitioner in case bearing FIR No.129 dated 16.06.2024, registered for the offences punishable under Sections 306/511 of IPC (Section 511 of IPC deleted later on) at Police Station Patran, District Patiala.

2. As per the contents of the FIR, present case has been registered on the statement and at the instance of the complainant-Dharampal @ Babli s/o Bhagat Ram (since deceased) against the petitioner and other co-accused. The complainant has stated that he has old dispute with Labbi, Binder, Sukhi, Pinki, Sukhma and Reena. His daughter in law Pinki was having illicit relations with said Labbi (petitioner herein) and due to which, even his son died. The above-said, persons used to harass him and his family members. On 16.06.2024 at about 9:00 PM, he was coming to his house while carrying bottle of petrol then, Sukhma, petitioner-Lakhwinder @ Labbi who were



already standing there, on seeing the complainant, the abovesaid persons started making mockery of him. Due to the mockery made by them, he sprinkled bottle of petrol on himself for self immolation and set himself on fire. As the above noted persons always forced to do this and person namely Mana always supported them to do this. On reaching the spot, family members of the complainant extinguished the fire and got him admitted into the hospital for treatment. He has further prayed for taking action against the accused persons. Hence, the FIR (*supra*) was registered.

3. Learned counsel for the petitioner *inter alia* contends that seven persons were implicated in the present case and final report has been filed on 16.08.2024 against six persons, including the petitioner. It is further contended that other co-accused, namely, Binder Singh, Pinki, Sukhma and Lovepreet Singh have been granted the concession of regular bail by learned Additional Sessions Judge, Patiala, which are annexed with the present petitions as Annexures P-2 to P-5 respectively. Furthermore, the case of the petitioner is at par with co-accused Sukhma, who also made mockery of the deceased and he has been granted the concession of regular bail. Learned counsel submits that the petitioner is behind the bars since 18.06.2024 and it would be a moot point to be determined as to whether the allegation levelled against the petitioner are sufficient to make him liable for the abetment as provided under Section 107 of IPC. Further, the petitioner is a first time offender as he is not involved in any other case.

4. 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 the main accused, who



was having illicit relationship with Pinki i.e. daughter-in-law of the complainant and on his instigation, the deceased has sprinkled bottle of petrol and set himself on fire, as such, *prima facie*, a clear case of abetment is made out. However, he could not controvert the fact that the petitioner is a first time offender and has suffered an incarceration of more than 11 months till date. Further, out of total 22 prosecution witnesses, not even a single witness has been examined so far.

5. 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.”

6. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 19.06.2024 as per his custody certificate. 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 any progress as not even a single witness, out of 22 prosecution witnesses 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. 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.

7. In view of the above facts and circumstances and also keeping in view the fact that the co-accused has been granted the concession of regular bail, 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-Lovepreet Singh @ Labhi @ Lakhwinder Singh @ Labbi is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. 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.

May 22, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No