



108

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

CRM-M-28119-2025 (O&M)

Date of decision: 30.07.2025

Sanjeev Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case bearing FIR No.74 dated 07.04.2025 under Section 112(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station City Rupnagar, District Rupnagar.

2. The present FIR was registered at the instance of ASI Subhash Chander on the allegations that on 07.04.2025 at about 10.05 p.m., he along with other police officials was present at Sangha Hospital Chowk, Rupnagar



in connection with patrolling, where he received a secret information that the petitioner, who is habitual of online betting, is roaming near Railway Station, Rupnagar and is indulged in online betting. Finding the said information trustworthy and reliable, ruqa was sent to the police station through HC Amandeep Singh for registration of an FIR. Hence the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case. The prosecution failed to prove identity of the petitioner as one of the assailants and only to show successful interception by anti-social elements, the Investigating Officer arrested the petitioner later on. The investigation is complete. There is nothing on record to corroborate the case set up by the prosecution. The petitioner is behind bars since 07.04.2025. Although the petitioner is involved in two more cases, however, he has already undergone the sentence.

4. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner is habitual of online betting and two mobile phones used by him in the commission of offence have been recovered from his conscious possession. However, learned State counsel could not controvert the fact that the petitioner has already undergone the sentence in other case(s). Further, final report under Section 193 of BNSS stands presented, however, the charges are yet to be framed.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner



is behind bars since 07.04.2025 and the trial is yet to commence, as charges have not been framed, as such, it will take some time in conclusion of the trial. The culpability, if any, would be determined at the time of trial. 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.

6. A two Judge Bench of the 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 as under: -

“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 an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. In view of the above, present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioner Sanjeev Kumar is ordered to be released on regular bail during trial on his furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court concerned.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall proceed without being prejudiced by the observations of this Court.

30.07.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No