



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

**CRM-25016-2025 in/and
CRM-M-34411-2025
Date of decision: 10.07.2025**

RAHUL

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dhawaljeet Dutta, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

CRM-25016-2025

Allowed as prayed for.

MAIN CASE

1. This is the first petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.49 dated 09.05.2025 registered under Sections 25/24/59 of Arms Act at Police Station Sadar Gurdaspur, District Gurdaspur.

2. In brief, prosecution story is that on 09.05.2025, ASI Tek Ram along with fellow police officials apprehended two young persons in the vicinity of Hardowala. Upon suspicion, search of envelopes was conducted, which was carried by the accused from which 24 live cartridges were recovered without any valid license or permit. As per prosecution more co-accused are yet to be arrested and during disclosure statement of accused, they also named one Deepu.



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3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (*supra*) and recovery of cartridges has been planted upon him, in order to show the successful interception of anti-social elements, as the petitioner was arrested only on the basis of suspicion. The petitioner is having clean antecedents as he is not involved in any other case. Furthermore, there is no legal evidence except the incriminating confessional statement. The petitioner is behind the bars since 09.05.2025. The investigation of the case is complete and the trial of the case is likely to take long time.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner was arrested at the spot and 24 cartridges were recovered from the possession of both the accused, which they were having without any valid licence. 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.

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 from the last 01 months and 27 days. 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 out of 10 prosecution witnesses, not a single witness has been examined till date. 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.



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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 demo cracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Rahul 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.

8. 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

July 10, 2025
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No