



236

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

CRM-M-33792-2025

Date of decision: 08.07.2025

Baljeet Singh

....Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Nitesh Sharma, DAG, Punjab.

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.255 dated 20.12.2022 under Section 306 of IPC registered at Police Station Kharar, District SAS Nagar (Annexure P-1).

Succinctly, the facts of the case are that on 19.12.2022 at around 09:00 A.M., the complainant received a call from her husband that he was in the fields and had consumed poison and after some time, a person attended the phone and he told the complainant that her husband had consumed poison and he be taken to the hospital. The said person disclosed his name as Jagga, Panch of village Gharuna and also disclosed that Sukhdev Singh @ Kala was also with him. They both took the husband of the complainant to Saraswati Multi Speciality Hospital, Gharuan and the complainant also reached there. Tarwinder Singh disclosed the complainant that he was disturbed on account of his paternal uncle, namely, Harjit Singh who is resident of Malaysia. It is further alleged that at the instance of Harjit Singh, the husband of the complainant had



CRM-M-33792-2025

-2-

entered into an agreement of land measuring 12 kanals at village Raipur Khurd and had transferred the amount in the account of Harjit Singh and the husband of the complainant mortgaged his property as security at the instance of Harjit Singh. Out of the said 12 kanals of land, 05 kanals of land was further agreed to be sold to Baljit Singh by Harjit Singh and sale consideration was taken by Harjit Singh. Harjit Singh as well as Baljit Singh (the petitioner herein) in connivance with each other threatened the husband of the complainant on telephone, as a result of which, he remained under constant pressure and unable to bear it, he consumed poison and during his treatment, he expired in the hospital and thus, the instant FIR.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. As per the case set up by the prosecution, the deceased-husband of the complainant was under distress and on account of his paternal uncle, Harjit Singh, at whose behest, the deceased, husband of the complainant, had entered into agreement with regard to the sale of land owned by his uncle. The deceased has transferred certain amount in the account of his uncle-Harjit Singh. It is further alleged in the FIR that the deceased, husband of the complainant, has mortgaged his property on the asking of his uncle-Harjit Singh. Out of 12 kanals of land, 05 kanals of land was agreed to be sold to the petitioner and the husband of the complainant has committed suicide. Further, it has been alleged that the petitioner along with Harjit Singh has threatened the deceased on telephone. He further submits that the main allegations are against co-accused-Harjit Singh who is the uncle of the deceased. Further, neither there is any other corroborative material,



forensic or otherwise nor any call detail record to substantiate the allegation with regard to making any call to the deceased by the petitioner. No date and time of the telephone is given. As such, the factual ingredients to constitute an offence of abetment as provided under Section 107 of IPC are clearly missing. The petitioner is behind the bars since 08.05.2025. Investigation is complete.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that there is a suicide note and there are specific allegations against the petitioner. He further submits that the petitioner is also involved in other cases.

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 08.05.2025. Investigation is complete. The final report under Section 173



CRM-M-33792-2025

-4-

Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 21 prosecution witnesses, none 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 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-Baljeet 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

08.07.2025

Neha

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