



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-36101-2025 (O&M)
Date of decision: 16.07.2025

Mandeep Singh @ Gulla
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Garg, Advocate for
Mr. Bharat Puri, 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.0222 dated 16.09.2024 registered under Sections 115(2), 118(1), 118(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station Tanda, District Hoshiarpur.
2. As per the prosecution case, on 12.09.2024 at about 11:30 AM, the complainant Jaswinder Kaur was returning home from a dispensary when, near the house of one Kalu, Kamla (wife of Jinder) and her daughter-in-law Indu allegedly instigated Mandeep Singh (petitioner herein) to attack her. Mandeep Singh, who was following the complainant, allegedly assaulted her with a *datar*, inflicting multiple blows on her back, foot, hand, head, arms and legs. The accused thereafter allegedly threatened to kill her and fled away from the spot.



On hearing her cries, one Gurleen Singh arrived and took her to the hospital. Thereafter, on the basis of her statement and the medico-legal report, the impugned FIR was registered.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the FIR (supra) after twisting and circumventing the genesis of occurrence. The alleged incident has taken place on 12.09.2024, however, the complaint was made to the jurisdictional police authorities on 16.09.2024 i.e. after a delay of four days, which creates a serious dent on the case set up by the prosecution. Further no *prima facie* offence under Section 109 of BNS is made out as none of the injuries suffered by the injured were declared dangerous to life. Moreover, two of the co-accused of the petitioner, initially named in the FIR (supra), have been declared innocent, which again creates a doubt on the prosecution's case. The injuries, which have been declared grievous are on non-vital parts of the body and the petitioner has suffered the incarceration of almost 10 months. The investigation is complete and the petitioner is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 11 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 today in the Court which is taken on record and he opposes



the prayer made by learned counsel for the petitioner on the ground that the petitioner has been specifically named in the FIR (supra) and is alleged to have caused injuries to the victim, as such, he is not entitled to any relief, however, he could not controvert the fact that the injuries, though declared grievous, are on non-vital parts of the body.

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 09 months and 26 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 11 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 Mandeep Singh @ Gulla 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

16.07.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No