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

CRM-M-35970-2025

Date of decision: 16.07.2025

Simranjeet Singh alias Simrandeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.23
dated 27.03.2025 under Sections 118(1)/115(2)/126(2)/351(3)/190/191(3)/3(5)
of BNS and Section 118(2) of BNS added later on, registered at Police Station
Patara, District Jalandhar Rural.

First petition was dismissed as withdrawn on 04.07.2025 and
liberty was granted to the petitioner to file afresh petition with better
particulars.

Summarily, the facts of the case are that on 23.03.2025 at around
04:45 P.M., the complainant was going towards his house on his motorcycle
bearing registration No. PB08-DF-9978 and when he reached near the building
of Gobindi Ispat, the accused/petitioner armed with sword, Arshdeep Singh
armed with baseball bat and four unknown persons armed with sticks were
standing there. They stopped the motorcycle of the complainant and started
beating him. The accused/petitioner gave a sword blow which hit on the
backside of his head and he fell down on the ground. He again gave a sword



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blow towards the complainant but in order to save himself, the complainant raised his right hand and hit on his index finger. Arshdeep gave a baseball bat blow which hit on the left leg of the complainant. Thereafter, the accused persons started dragging the complainant on the road to take him to the other side of the road. On raising alarm, the accused persons fled away from the spot on their Tata Safari vehicle bearing registration No. HR03-R-6065 and thus, the present case.

Learned counsel for the petitioner *inter alia* contends that there is a delay of four days in the registration of the FIR (*supra*) which creates a serious dent on the case set up by the prosecution. The petitioner has been falsely implicated by concocting a story and concealing real facts and all the offences under which the FIR (*supra*) is registered are bailable except Sections 118(1) & 118 (2) of BNS. Admittedly, all the injuries suffered by the injured are simple in nature. The petitioner is having clean antecedents and is not involved in any other case. Further, the petitioner is behind the bars since 06.04.2025 and investigation of the case is complete.

The 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 specific allegations have been levelled against the petitioner and thus, he is not entitled to any relief. However, he could not controvert the fact that the petitioner is not involved in any other case.

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 09.04.2025. 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 much progress as out of 12 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.

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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-Simranjeet Singh @ Simrandeep 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

16.07.2025*Neha*

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