



248

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

CRM-M-37009-2025

Date of decision: 21.07.2025

Akash Sanohtra @ Akash

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. R.K. Arya, 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.0049 dated 09.05.2025 under Section 25/54/59 of Arms Act registered at Police Station Sadar Gurdaspur, District Gurdaspur.

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.

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. He further submits that identically placed co-accused,



CRM-M-37009-2025

-2-

namely, Rahul, has been granted the concession of regular bail by this Court vide order dated 10.07.2025 passed in CRM-M-34411-2025 titled as 'Rahul Vs. State of Punjab' (Annexure P-2). 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 12.05.2025. The investigation of the case is complete and the trial of the case is likely to take long time.

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 the petitioner is involved in a heinous crime 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

**CRM-M-37009-2025****-3-**

record of the case, it transpires that the petitioner is behind the bars since 12.05.2025. Trial of the case has not made much progress as out of 10 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.

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-Akash Sanohtra @ Akash, 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

21.07.2025*Neha*

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