



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

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CRM-M-37981-2025
Date of decision: 24.07.2025

Kaka Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Brar, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Malkita S. Hundal, Advocate
for the complainant.

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 petitioners in FIR No.63 dated 29.05.2025 registered under Sections 109, 191(3), 190, 126, 304(2) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station Bahawala, District Fazilka.

2. The FIR (supra) has been registered on the basis of statement of Mandeep Singh son of Sukhmander Singh whereby, he informed that on 28.05.2025 he alongwith Baljit Singh son of Tarlochan Singh in relation to their work was coming back from Abohar on car. At about 8:30 PM when they reached on the turn of Chak Radhewala, Surinder Singh armed with kapa, Balkaran Singh armed with gandasi, Gurpreet Singh armed with iron rod, Kaka Singh armed with dang were



standing on the Phirni of Chak Radhewala, who intercepted their car and when they inquired about the reason of doing so, the aforesaid assailants attacked on them with intention to kill. In the meantime, Amritpal Singh, Gurjeet Singh and Hardeep Singh also came on car at the spot and they tried to rescue them then Surinder Singh, Balkaran Singh and Gurpreet Singh with their weapons attacked on him, Hardeep Singh, Amritpal Singh and Gurjeet Singh as a result of which, they sustained many injuries on their head, face and other parts of body. In the meantime, Balwinder Kaur wife of Kaka Singh alongwith 4-5 ladies and gents started throwing brick bats towards them. After causing them injuries, the assailants also snatched Rs.6,00,000/- lying inside their car. On alarm being raised by the complainant side, the people started gathering at the spot on which the aforesaid assailants fled away from the spot alongwith their respective weapons.

3. Learned counsel for the petitioners *inter alia* contends that petitioners have been falsely implicated in the present case. Further it is a case of simple injury and *prima facie* offence under Section 109 of BNS, 2023 is not made out against the petitioners and even the said offence i.e. Section 109 of BNS, 2023, has been added without obtaining any medical opinion. Further, the petitioners and the complainant are neighbours and the dispute between the parties has been amicably settled and a petition i.e. CRM-M-38441-2025, seeking quashing of the FIR (supra) on the basis of compromise has already been filed before this Court. Learned counsel for the petitioners further



submits that the petitioners are behind the bars since 30.05.2025 and the investigation of the case is still pending.

4. Mr. Malkiat S. Hundal, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney, which is taken on record. Learned counsel for the complainant also acknowledged the factum of compromise arrived at between the parties and submits that the complainant has no objection in case the petitioners are enlarged on bail.

5. *Per contra*, learned State counsel has filed custody certificate of petitioner No.1 – Kaka Singh today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioners on the ground that the petitioners' complicity is duly established and the investigation of the FIR (supra) is still pending and petitioner No.1 is involved in one more case, however, he could not controvert the fact that a quashing petition under Section 528 of BNSS, 2023, seeking quashing of the FIR (supra) on the basis of compromise, has already been filed before this Court.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners are behind the bars since 30.05.2025. Investigation is complete. The final report under Section 173 Cr.P.C. is yet to be presented before the concerned Court and the matter stood compromised between the parties.



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 petitioners-accused. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

9. Further 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 petitioners in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioners namely Kaka Singh and Balkaran Singh are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. 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

24.07.2025
yakub

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