



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
244

CRM-M-38230-2025
Date of decision: 24.07.2025

Akash Masih
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ritesh Pandey, 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.54 dated 12.04.2025 registered under Sections 304, 308, 309(6), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station Shri Hargobindpur, District Batala.
2. As per the prosecution case, on 12.04.2025, Surinder Singh, while returning to his village with Makhan Singh on a scooty, was followed by Pardeep Singh alias Deep, Bhallu, and Akash Masih on a motorcycle. Pardeep allegedly snatched Surinder's mobile phone and ₹5110/-, while Bhallu attacked Makhan Singh with a datar and robbed ₹10,000/-. Two accused fled away from the spot, but Akash Masih was apprehended at the spot. Thereafter, the impugned FIR was registered.



3. Learned counsel for the petitioner *inter alia* contends that the perusal of the FIR (supra) clearly indicates that no overt act has been attributed to the petitioner. The main culprits, as per the case set up by the prosecution, are Pardeep Singh @ Deepu and Bhalu @ Karanbir. Further, the allegations of snatching as well as inflicting injuries upon the victim are against the co-accused. The petitioner is a 19 years old young man, having clean antecedents.

4. Learned counsel for the petitioner further submits that the investigation is complete. 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 actively participated and he was accompanied by other co-accused, who have committed the alleged crime, however, he could not controvert the fact that the petitioner is not involved in any other case.

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 03 months and 08 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 Akash Masih 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

24.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No