



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-38143-2025
Date of decision: 24.07.2025

Jagdeep @ Jagdeep Singh @ Jagga
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

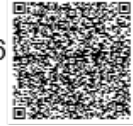
HARPREET SINGH BRAR J. (Oral)

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.011 dated 30.01.2025 registered under Sections 111(3), 113 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') (Sections 109, 3(5) of BNS, 2023 added later on) and Sections 3, 4, 5, 6 of the Explosive Substances Act, 1908 and Sections 25(6) and 25(7) of the Arms Act, 1959 at Police Station Sirhali, District Tarn Taran.
2. As per the prosecution case, on 30.01.2025, Inspector Sukhdev Singh, along with other police officials, was on patrol duty moving through various areas including Sheron, Usma, Naushara Pannua, Thathia Mhantan, Sarhali, and Suhawa. During the patrol, the police received a credible secret information that accused persons namely Robinjit Singh, Juvraj Singh, Karan Singh, Jasdeep Singh,



Harpreet Singh @ Happy, Ajay @ Tunda, Jatt Sekho Gurdaspur, Navjot Singh @ Nav, and Sahib Singh @ Saba, had formed an organized gang and are allegedly involved in criminal activities. It was specifically alleged that the gang had procured illegal weapons from Pakistan, extorted money from the public, and instilled fear by firing at residential houses. They were also said to be involved in cases of snatching and murder. Treating the information as reliable, an FIR was registered, and the police conducted a raid at the location disclosed in the secret information.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The petitioner is neither named in the secret information nor named in the FIR (supra). The petitioner and one Navjot Singh @ Noy @ Nav, have been nominated as an accused only on the basis of disclosure statement made by co-accused Robinjit Singh and Harpreet Singh, who were apprehended at the spot. He further submits that the disclosure statement recorded during the custodial interrogation has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Evidence Act. Learned counsel for the petitioner further submits that the similarly situated co-accused Navjot Singh @ Noy @ Nav has already been granted the concession of regular bail by this Court vide order dated 11.07.2025 passed in CRM-M-34817-2025. The case of the petitioner is even at a better footing than the aforementioned co-accused



Navjot Singh @ Noy @ Nav and nothing has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner further submits that the investigation is complete and there are total 22 prosecution witnesses cited in the list of witnesses, out of which, no PWs 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 complicity of the petitioner has been duly established and the petitioner is involved in one more case and he was part of the gang, however, he could not controvert the fact that nothing has been recovered from the possession of the petitioner and similarly situated co-accused Navjjot Singh @ Noy @ Nav, has already been granted the concession of regular bail by this Court.

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 05 months and 22 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 22 prosecution witnesses, no PWs 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. 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 petitioner 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 petitioner namely Jagdeep @ Jagdeep Singh @ Jagga 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.

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