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

CRM-M-39326-2025 (O&M)

Date of decision: 29.07.2025

Kuldeep Singh @ Deep

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raman Kumar, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case bearing FIR No.126 dated 26.05.2025 under Section 61/1/14 of Punjab Excise Act, 1914 and Sections 123 & 62 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Sidhwan Bet, District Ludhiana Rural.

2. The present FIR was registered at the instance of ASI Raj Kumar on the allegations that while on patrolling duty, he received a secret



information that the petitioner along with co-accused Harshdeep Singh and Rajo Bhai are indulged in preparing illicit liquor by using intoxicant material and if a raid is conducted, they can be apprehended along with heavy quantity of illicit liquor. Finding the said information credible, raid was conducted at the house of the petitioner and with the help of other police officials, he was apprehended and disclosed that his brother Harshdeep Singh and mother Rajo Bhai had gone to supply the illicit liquor to the customers. Thereafter, search of the house was conducted and 3000 litres of lahan, 15 bottles of illicit liquor along with articles of distillery were recovered.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the FIR (*supra*). The illicit liquor was recovered from an open space, which is accessible to others also. The petitioner is not exclusive owner of the premises, from which the alleged recovery was effected. As such, mandatory elements with regard to conscious possession over the illicit liquor are highly debatable. Further, maximum sentence provided for the offences, under which the FIR (*supra*) is registered, is punishable upto 03 years. The investigation of the case is complete, however, the final report under Section 193 of BNSS is yet to be presented. The petitioner is behind the bars since 26.05.2025.

4. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established. The petitioner is habitual offender and 3000 litres of lahan,



15 bottles of illicit liquor along with articles of working distillery were recovered. However, he could not controvert the fact that the investigation is complete and final report under Section 193 of BNSS is yet to be presented.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind bars since 26.05.2025; investigation is complete and challan is yet to be presented before learned trial Court. The culpability, if any, would be determined at the time of trial. 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.

6. A two Judge Bench of the 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 as under: -

“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.”*

7. In view of the above, present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioner Kuldeep Singh @ Deep is ordered to be released on regular bail during trial on his furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall proceed without being prejudiced by the observations of this Court.

29.07.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No