



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
219

CRM-M-42461-2024 (O&M)
Date of decision: 15.07.2025

Dilpreet Singh @ Dil
State of Punjab

Versus

....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this 2nd petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.125 dated 12.12.2023 registered under Section 25 of the Arms Act at Police Station Jalandhar Cantt., District Jalandhar. The 1st petition filed by the petitioner seeking the same relief was dismissed as withdrawn on 07.05.2024.

1.1. Learned counsel for the petitioner submits that this 2nd petition, seeking regular bail to the petitioner, has been filed on the ground that the petitioner has suffered a long custody of more than 1½ years and the prosecution has not examined even a single witness till date.

2. As per the case of the prosecution, on 12.12.2023, ASI Tarlochan Singh along with police officials was patrolling near Paragpur



Link Road close to McDonald's when he received a secret information that Ajit Pal Singh @ Shallu and Dilpreet Singh @ Dil (petitioner herein) were habitual snatchers and robbers, roaming the Jalandhar area that day with weapons intending to commit crimes. Acting on this information, a naka was set up, and two individuals were spotted approaching on foot from Paragpur Link Road. Upon noticing the police, they tried to turn back but were apprehended. The first individual disclosed his identity as Ajit Pal Singh @ Shallu and the second individual disclosed his identity as Dilpreet Singh @ Dil. A search of Ajit Pal Singh's bag was conducted and five country-made .32 bore pistols without cartridges were recovered. Similarly, recovery of four similar pistols, without cartridges, was effected from Dilpreet Singh's bag and both the said persons were arrested. During the police remand, Dilpreet Singh also got recovered one .32 bore pistol, one revolver of the same bore, and three live cartridges, while Ajit Pal Singh got recovered two additional country-made .32 bore pistols. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra) and he is in custody since 12.12.2023. He further submits that recovery of four country-made pistols have been planted upon the petitioner and a perusal of the FIR (supra) clearly vindicates the stand of the petitioner as initially recovery of only four country-made pistols have been shown to be effected from the petitioner in the FIR (supra) and later on,



recovery of one .32 bore pistol, one revolver of the same bore, along with three live cartridges, have been shown to be effected from him.

4. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and is having clean antecedents. There are total 08 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 FIR (supra) was registered on the basis of a secret information, in which the petitioner has been specifically named and recovery of total six firearms (five pistols and one revolver) and three live cartridges was effected from the petitioner, 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 01 year, 06 months and 25 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 08 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 Dilpreet Singh @ Dil 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

15.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No