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

**CRM-M-39404-2025 (O&M)
Date of decision: 29.07.2025**

Jashanpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mayur Karkra, Advocate and
Ms. Neha Dewan, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, 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.140 dated 18.08.2024 under Sections 109(1), 304(2), 62, 3(5), 126(2), 118(1), 351(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Civil Lines, District Patiala.

2. The present FIR was registered on the statement of complainant Preetinder Singh, on the allegations that he was doing the work of delivery with Zomato Company and on 17.08.2024 at about 11.54 p.m., after completing the delivery at House No.84/B-2, Model Town, Patiala, when he



was returning on his scooter bearing registration No.PB-11-DD-4477, a motorcycle bearing registration No.PB-11-DG-9626, on which three persons were sitting, intercepted him and they tried to block his way couple of times and ultimately, stopped him abruptly. They physically assaulted him again and again and tried to steal his mobile phone and they also stabbed him with a knife on his left lower arm, causing a deep wound. The accused continued to assault him while he was lying on the ground. On screaming for help, two Zomato drivers came and rescued him. The accused while threatening to kill him, fled on their aforesaid motorcycle towards Patiala side. Thereafter, his friends Tammanpreet Singh and Vikramjeet Singh took him to Rajindra Hospital, Patiala for treatment. On inquiry, he came to know that the attackers were from Village Wadi Rhoni, Nabha Road, Patiala and their names are Vikram Singh, who was driving the motorcycle, Jashanpreet Singh, who was sitting in the middle and attacked him with knife and Abhay, who was sitting behind the two and he was also involved in the commission of offence.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case. *Prima facie*, no offence under Section 109(1) of BNS is made out. Admittedly, the injuries suffered by the complainant are simple in nature, which are on non-vital parts of the body. Further, Section 109(1) of BNS has been added just to aggravate the offence. It is further submitted that co-accused Abhay, against whom there is allegations of snatching the mobile phone, has already been granted the

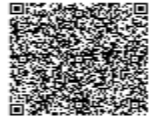


concession of regular bail by the Coordinate Bench of this Court vide order dated 19.05.2025 passed in CRM-M-2848-2025 (Annexure P-11). The petitioner has suffered incarceration of more than 11 months and he is not involved in any other case.

4. *Per contra*, learned State counsel has produced the custody certificate dated 28.07.2025 of the petitioner, which is taken on record. He opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner has been specifically named in the FIR (*supra*) and he caused injuries with a knife on the arm of the complainant. However, he could not controvert the fact that co-accused Abhay has been enlarged on regular bail and injuries suffered by the complainant are simple in nature.

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 19.08.2024 and the trial of the case will take long time in its conclusion, as out of 21 prosecution witnesses, not even a single witness has been examined so far. 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 Jashanpreet Singh 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
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No