



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
218

CRM-M-40162-2025
Date of decision: 01.08.2025

Jagseer Singh @ Manna
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Sandeep Kumar, 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.154 dated 22.12.2024 registered under Sections 3(5), 115(2), 110 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') (erstwhile Sections 323, 308, 34 IPC) at Police Station Smalsar, District Moga.
2. As per the prosecution case, the FIR (supra) was lodged on the statement of complainant Ranjit Singh @ Rana, who stated that on 21.12.2024 at around 06:00 PM, his cousin Pargat Singh was attacked near a feed shop in Village Rode by Jagseer Singh @ Manna (petitioner herein), Randhir Singh @ Dhira, Sukhdev Singh @ Appy and Arsh Arun. Randhir Singh allegedly gave two sword blows upon Pargat Singh's head, and Sukhdev Singh @ Appy attacked him on the leg with a bat, following an lalkara given by Jagseer Singh @ Manna and Arsh



Arun to "teach him a lesson" over a prior dispute. The motive is linked to a divorce case involving Pargat Singh's sister, which Randhir Singh @ Dhira was contesting on behalf of the opposing party. After the assault, the accused persons fled away from the spot and the injured was taken to Civil Hospital, Moga, and then referred to DMC&H, Ludhiana.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not alleged to have caused any injury. The only allegations against the petitioner is that he raised a lalkara and exhorted the other accused persons to inflict injuries to the victim/injured. Learned counsel for the petitioner further submits that the similarly situated co-accused Sukhdev Singh @ Happy @ Appy has already been granted the concession of regular bail by this Court vide order dated 01.07.2025 passed in CRM-M-16429-2025.

4. Learned counsel for the petitioner further submits that the investigation is complete and there are total 17 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 in the alleged incident and his complicity is duly established, 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 05 months and 02 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges have been framed and trial of the case has not made much progress. Out of 17 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 Jagseer Singh @ Manna 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

01.08.2025
yakub

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