

CRM-M-44988-2024
CRM-M-45395-2024
CRR-1184-2024

2025:PHHC:010682



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
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Date of decision: 24.01.2025

1. CRM-M-44988-2024

Jaspreet Singh @ Sudama
State of Punjab
Versus
....Petitioner
....Respondent

2. CRM-M-45395-2024

Sukhdeep Singh @ Sukha
State of Punjab
Versus
....Petitioner
....Respondent

3. CRR-1184-2024

Gurpreet Singh @ Guri
State of Punjab
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saurav Bhatia, Advocate
Mr. S.S. Kamboj, Advocate
and Mr. Kuljinder Billing, Advocate
for the petitioner(s) in all the petitions.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M
Nos.44988 and 45395 of 2024 as well as CRR-1184-2024, as common



questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-44988-2024.

2. Prayer in the petitions i.e. CRM-M Nos.44988 and 45395 of 2024 filed under Section 439 of the Cr.P.C. is for grant of regular bail to the petitioner(s) namely Jaspreet Singh @ Sudama and Sukhdeep Singh @ Sukha in FIR No.131 dated 31.12.2022 registered under Sections 307, 323, 148, 149 IPC (Section 302, 379-B and 411 IPC added later on) at Police Station Sadar Raikot, Police District Ludhiana (Rural).

3. Prayer in CRR-1184-2024, is for setting-aside the order dated 22.03.2023, passed by the learned Principal Magistrate, Juvenile Justice Board, Ludhiana as well as the order dated 08.12.2023, passed by the learned Additional Sessions Judge, Ludhiana, vide which the bail application of the petitioner Gurpreet Singh @ Guri, has been dismissed.

4. As per the prosecution case, on 29.12.2022, the complainant was present at his house. His son Sandeep Singh alias Soni and his friends Sukhraj Singh alias Saaji, Inderjit Singh, Hardeep Singh alias Honey, residents of Bassian, as usual, had gone from the house that they are going for walk at Seeloani Road. The complainant, after waiting them for much time, to see them, was going on his motor cycle towards Seeloani Road. The time would be about 9/9.15 PM, there was gathering on the road near Seetla Mata Mandir and noise of maarta maarta. Ladies and 6-7 men were hitting stone blocks on them, whose



names are Inderjit Singh @ Gullu armed with iron rod, Sukhpreet Singh @ Sukha armed with wooden baseball, Jagseer Singh @ Seera armed with stick 'danda', Manjot Singh @ Jota armed with rod, Jaspreet Singh @ Sadama, Gurpreet Singh, Sandeep Kaur @ Soni, all residents of Bassian and two unknown persons were also with them. In the meantime, Jagseer Singh @ Seera raised lalkara that today teach them lesson for stopping to cut the wood. Then while, the complainant was looking at Jaspreet Singh @ Sadama, Gurpreet Singh, Sandeep Kaur @ Soni, three of them caught his son from his arms and Inderjit Singh @ Gullu, with the intention to hit his son Sandeep Singh, gave iron rod blow, which he was holding in his hand, at his head and Manjot Singh @ Jota gave iron rod blow, which he was holding in his hand, on the forehead of his son Sandeep Singh, which after hitting little at the forehead crossed. Sukhpreet Singh @ Seera gave baseball blow, which he was holding in his hand, at the right arm of Sukhraj Singh @ Saaji. Then Sandeep Kaur @ Soni snatched the Apple mobile phone from the pocket of lower worn by his son and Jaspreet Singh @ Sadama, Gurpreet Singh @ Guri and the unknown persons with them took away the motorcycle of Bajaj Company to their home, after snatching it from the friend of his son namely Harvinder Singh @ Gaggi, who came at the spot. The complainant's son fell down, on becoming unconscious due to injuries. The complainant raised alarm of maarta maarta, then all of



them ran away from the spot along with their respective weapons. Thereafter, the impugned FIR was registered.

5. Learned counsel for the petitioner(s) *inter alia* contends that none of the petitioner(s) have been attributed any injury on the person of the deceased and they have been implicated in the FIR (supra) being members of the unlawful assembly. The petitioner – Jaspreet Singh @ Sudama, is alleged to have caught hold of the deceased and the petitioner – Sukhdeep Singh @ Sukha is alleged to have given simple injury on the person of Sukhraj, one of the injured/witness and the petitioner – Gupreet Singh @ Guri, is alleged to have caught hold of the deceased and snatched the motorcycle and the fatal blow is specifically attributed to Inderjit Singh. Learned counsel for the petitioner(s) submits that 02 of the co-accused of the petitioner(s) have been granted the concession of regular bail by this Court on 28.02.2024 and 30.05.2024 passed in CRM-M No.32795 of 2023 and CRM-M No.26587 of 2024, respectively (Annexures P-3 and P-4) and the case set up by the prosecution is not plausible and it would be a moot point to be decided during the trial as to whether the petitioner(s) can be made liable for the offence under Section 302 IPC with the aid of Sections 148 and 149 IPC and the FIR was registered after a delay of 02 days, which creates a serious doubt on the case set up by the prosecution.

4. Learned counsel for the petitioner(s) further submits that the petitioners namely Jaspreet Singh @ Sudama, Sukhdeep Singh @ Sukha and Gupreet Singh @ Guri, are behind the bars since 13.01.2023,



13.01.2023 and 31.12.2022, respectively and the petitioner(s) have suffered incarceration of more than 02 years and the prosecution has failed to conclude its evidence and even the complainant has not supported the case of the prosecution and declared hostile. Learned counsel for the petitioner(s), lastly, submits that there are total 22 prosecution witnesses cited in the list of witnesses, out of which, only 03 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner(s) on the ground that the petitioner(s) have actively participated in the alleged incident and as such, the petitioner(s) are not entitled for any relief, however, he could not controvert the fact that the petitioner(s) are not involved in any other case and they have suffered incarceration of more than 02 years.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners namely Jaspreet Singh @ Sudama, Sukhdeep Singh @ Sukha and Gupreet Singh @ Guri, are behind the bars since 13.01.2023, 13.01.2023 and 31.12.2022, respectively. 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, 03 PWs have 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. In view the discussion above, the present petitions are allowed and the order dated 22.03.2023, passed by the learned Principal Magistrate, Juvenile Justice Board, Ludhiana as well as the order dated 08.12.2023, passed by the learned Additional Sessions Judge, Ludhiana, are set-aside. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Jaspreet Singh @ Sudama, Sukhdeep Singh @ Sukha and Gurpreet Singh @ Guri are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/trial Court.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The

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learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

24.01.2025

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