



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

228

**CRM-M No.45605 of 2025
Date of decision : 26.8.2025**

Lovepreet Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vijay Lath, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, 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.352 dated 15.12.2024 registered under Sections 308(5), 126(2), 127(2) of Bharatiya Nyaya Sanhita, 2023, Section 25 of the Arms Act, 1959, at Police Station Sohana, District S.A.S. Nagar (Mohali).
2. The brief facts of the case are that on 03.12.2024 one Ashkaranjit Singh, a resident of Ambala, was returning from a roadside dhaba on Landran-Banur road, and was heading towards Sector 104, Mohali, when he was suddenly intercepted by a white Verna car. It was dark, so he couldn't catch the registration number. Two men got out of the car, one was holding a stick and the other Sikh man, was holding a pistol in his hands. They forced Ashkaranjit into the backseat of his own car at



gunpoint, with the armed man sitting beside him, while the other took control of the vehicle. As they drove towards village Sukhgarh, they switched him into their Verna car and began robbing him. They snatched his purse, which had ₹5,500 in cash, his driver's license, car registration documents, Aadhaar card, and mobile phone. Under pressure, Ashkaranjit was made to share his GPay password, and ₹40,000 was transferred to an account linked to someone named as the petitioner. When his balance ran low, the assailants forced him to call his brother-in-law, from whom he managed to get ₹50,000 transferred, which they then stole via another GPay transaction linked to mobile No.7719790806. Eventually, they dropped him off near CP-67 Mall on Airport Road in Mohali, and handed back his phone and threatened to kill him. 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 no specific role has been attributed to the petitioner. There was a monetary dispute between the petitioner and the complainant, which has been converted into the FIR (supra) with the allegations of extortion, only to aggravate the offence and to make it a non-bailable offence. Further, during the pendency of the present petition, the dispute between the petitioner and the complainant has been amicably resolved and a compromise has been effected between the parties.

4. Learned counsel for the petitioner further submits that there are total 07 prosecution witnesses cited in the list of witnesses, out of which,



no PW has been examined till date as charges are yet to be framed and the trial is likely to take long time in conclusion.

5. On the other hand, learned State counsel has filed custody certificate dated 25.8.2025 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 allegations against the petitioner are serious in nature as one country-made pistol was recovered in the present case, however, he could not controvert the fact that the matter stood compromised between the parties.

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 for about more than 8 months. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not made much progress.

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.'

7.1 As per the custody certificate dated 25.8.2025, the petitioner is stated to be involved in two more FIRs registered under the NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

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.

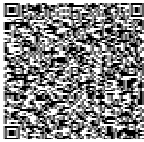
9. In view of above, the present petition is allowed. Petitioner is



ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

10. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed



hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 11. Ordered accordingly.
- 12. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

26.8.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No