



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

CRM-M-56612-2024

Date of decision: 10.07.2025

SIMARJIT SINGH ALIAS SIMARJIT SINGH SAGGU

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.163 dated 08.10.2023 registered under Sections 307, 506, 148, 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Model Town, District Ludhiana.

2. The brief facts of the case as discernible from the record are that the FIR was lodged on the statement of Mudit Sood, who made the following statement:-

"Today I along with Karan Singh son of Sukhwinder Singh r/o H.No.48-A Model Town, Ludhiana was sitting at the house of Garry Bhardwaj son of Sanjeev Bhardwaj r/o 8-B Sarabha Nagar Ludhiana. When Karan Singh started from his house on Activa to drop of Garry Bhardwaj and I stated on my Activa to go to my house, Abhijit Singh Mand and Kundal Sachdeva met us on the way and we stopped in the vacant ground near Puri Hospital and started having a talk. At about 1.00 a.m. from the gate of ground towards the Dr. Ambedkar side, a number of young boys on 4/5 vehicles ie. one black Thar, Swift, Innova, Audi and i-10 and 2/3 motor cycles came there.



Kanwarbir Singh @ Deo son of Goggy Sarpanch r/o village Bahadarke, Rajbir Cheema and Teji Grewal sitting in Thar, Dimanshu Kochhar, Harsh and Nawab Bajwa son of Vicky Bajwa along with some unknown persons came in second vehicle and as soon as they came there, Kanwarbir Singh sitting in the Thar fired at us with the pistol in his hand with intention to kill us and the young persons sitting in other vehicle also fired on us with the pistols in their hands. They all fired about 8-10 shots. That one of the bullet fired by Kanwarbir Singh hit on my left arm and one bullet hit in the stomach of Abhijit Singh Mand. There were about 10-12 unknown persons with them. We fled away from the spot to save our life and all these persons while giving abuses and threats also fled away from the spot along with their weapons in their vehicles. Cause of grudge is that our friend Dipanshu hires parties in Hotels and Restaurants and they were forcibly demanding passes of hotel Latore South City, Ludhiana.”

3. Mr. Chandan Singh Rana, Advocate has put in appearance on behalf of the petitioner and filed his power of attorney after obtaining no objection from the earlier counsel. The same is taken on record. Registry is directed to tag the same at the appropriate place. He *inter alia* contends that the perusal of the FIR would indicate that the injury attracting offence under Section 307 of IPC is specifically attributed to co-accused, namely, Kanwarbir Singh @ Deo. Further, the petitioner was neither named in the FIR (*supra*) nor his description was given amongst unknown person, who has accompanied the co-accused Kanwarbir Singh @ Deo. The petitioner has been nominated as accused on the basis of disclosure statement made by co-accused, namely, Manjot Singh @ Monu @ Manjyot Singh during his custodial interrogation, which has no evidentiary value in the eyes of law. The petitioner is behind the bars since 15.08.2024. The trial of the case is likely to take long time as out of total 15 prosecution witnesses, none has been examined so far. Moreover, similarly situated co-accused, namely, Manjot Singh @ Monu @ Manjyot



Singh and Vatsal Gaggar have already been granted the concession of regular bail by this Court vide orders dated 21.11.2023 and 04.01.2024 in cases bearing **CRM-M No.55473 of 2023** and **CRM-M No.64138 of 2023** respectively.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner has played active role in commission of the crime and his complicity has been duly established. Further, the petitioner is involved in three more cases, as such, he is not entitled to any relief. However, learned State counsel could not controvert the fact that similarly situated co-accused have been granted the concession of regular bail.

5. 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 10 months and 24 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of 15 prosecution witnesses, not a single witness has been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner.

6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. 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. Keeping in view the law laid down by the Hon’ble Supreme Court of India in **“Prabhakar Tewari vs. State of U.P. and another”** 2020 (1) R.C.R. (Criminal 831) and **“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”**, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Simranjit Singh @ Simarjit Singh Saggu 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.

9. 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

July 10, 2025
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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |