

2025:PHHC:031877



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

280

CRM-M No.56928 of 2024 (O&M)
Date of decision: 06.03.2025

Gurpreet Singh @ Gopi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

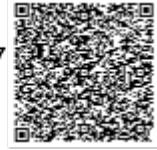
Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this 2nd petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.60 dated 06.04.2023 registered under Sections 387, 389, 506, 509, 120-B IPC, Section 25/27/54/59 of Arms Act, 1959 at Police Station Division No.6, District Jalandhar. The 1st petition was dismissed on 31.01.2024.
2. The prosecution's case is based on the statement of Sandeep Suneja, a property dealer and colonizer, who reported a series of threatening calls. On 05.04.2023, while at a friend's house in Jalandhar, he received six calls on WhatsApp, from a number claiming to be Amritpal Bal. The caller threatened to harm his son unless he paid Rs.50 lacs by mentioning that a cloth merchant named Timmy had been killed for refusing similar demands. The caller also mentioned his ties to Jaggu Bhagwanpuriya and warned that his son would be killed if he failed to meet his demand. Despite blocking the number, Sandeep received

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further threats from different number. The caller continued to demand money in installments, and they agreed to meet on 06.04.2023, to collect the first installment. On 07.04.2024, Sandeep received a call with instructions to meet at PAP Chowk with the ransom money. Thereafter, Sandeep, accompanied by his friend Simranjit Singh went to Police Station to record his statement. Thus, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the perusal of the FIR clearly indicates that the petitioner never intimidated or demanded any money from the complainant. Further the disclosure statement of co-accused Jaskaran Singh was recorded by the Investigating Officer, during the course of investigation and in his statement, he has not stated that the petitioner knew about the fact that they were going to receive some ransom money. Learned counsel for the petitioner further submits that, in fact, the co-accused has taken his car whereas the petitioner was totally unaware of the act and conduct of the co-accused and the petitioner is behind the bars since 06.04.2023. The case is triable by the Court of Magistrate and till date, not even a single prosecution witness has been examined, therefore, the trial of the FIR (supra) is likely to take long time in conclusion and the petitioner is having clean antecedents.

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 there is active participation of the petitioner in the alleged offence and

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he along with co-accused Jaskaran Singh has gone to Jalandhar to receive the ransom money of Rs.5.00 lacs. Both were apprehended at the spot and a country-made pistol was also recovered from them, however, he could not controvert the fact that the petitioner is not involved in any other case and out of 16 PWs, none has been examined so far.

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 01 years, 10 months and 21 days. 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 16 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

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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 the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Gurpreet Singh @ Gopi is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. It is made clear that the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner in case he is found indulging into such or similar activity in future.

11. 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

06.03.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No