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

CRM-M-60200-2024

Date of decision: 02.04.2025

Jaspreet Singh alias Jassa

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Gaurav Goyal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.67 dated 03.04.2024 under Section 25 of Arms Act, registered at Police Station Focal Point, District Ludhiana (Annexure P-1).

Succinctly, the facts of the case are that on 03.04.2024, ASI Ranjit Singh, along with other officers, was on patrol at Ramgarh Road, T-Point Village Mangli, District Ludhiana, checking suspected persons and vehicles. During this, they received secret information about the accused/petitioner indicating his involvement in multiple criminal cases, including quarrels, attempt to murder, robbery, extortion, dacoity, and illegal weapons possession across various districts in Punjab. The petitioner was also identified as a proclaimed offender and allegedly led a group responsible for these offences. Further, it was reported that he was a rival of gangster Jatinder Singh @ Jindi, who possessed illegal firearms. Based on the information, the accused was



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apprehended with two .32 bore pistols and 10 live cartridges, leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in a number of cases in two police stations falling within the District of Ludhiana and he has been booked in 21 cases. The jurisdictional police authorities have implicated the petitioner in several unresolved cases, purportedly to demonstrate the interception of a suspicious individual and out of these cases, the petitioner has earned acquittal in seven cases, while in five cases, quashing petitions are pending before this Court. Additionally, the petitioner is currently on bail in two other cases. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 07 years and petitioner has been in custody since 06.04.2024 and suffered incarceration of almost one year. The investigation of the case is complete and till date, not even a single prosecution witness has been examined.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that two .32 bore pistols along with 10 live cartridges were recovered from the possession of the petitioner. He further submits that the petitioner is a habitual offender and involved in 21 other cases, as such, he is not entitled to any concession of bail.

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.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 06.04.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 10 prosecution witnesses, none has been examined so far. 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. 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.

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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of

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the trial, the petitioner-Jaspreet Singh @ Jassa, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

02.04.2025*Neha*

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