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

CRM-M-61837-2024

Date of decision: 24.04.2025

Kannad alias Kuljeet Singh

....Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. R.S. Dhillon, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl.A.G., 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.76 dated 14.09.2021 under Sections 323/324/341/148/149 of IPC (Section 307 of IPC added later on vide Rapat No.39 dated 22.05.2023) and (Section 201 of IPC added later on vide Rapat No.16 dated 22.04.2024) (Annexure P-1) registered at Police Station City-2, Abohar, District Fazilka.

Compactly, the facts of the case are that on 12.09.2021, the complainant and his cousin, namely, Pardeep Kumar, were proceeded to their houses after closing their fruit shop and at about 09:30 P.M., near Sonu Monu Juice Bhandar, Street No.10, accused persons, namely, Sunil Bhaiya, Bharat, Kannad (the petitioner herein), Kaku, Inder Kumar, Vicky, Karan and Akshay Kumar, stopped the motorcycle of the complainant party and all of them attacked them. Accused-Sunil Bhaiya was given *kappa* blow on the head of Pardeep Kumar. The accused/petitioner was given *kappa* blow on the forehead of the complainant and Sunil Bhaiya again given *kappa* blow on the left arm of

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the complainant near wrist. Thereafter, the complainant and his cousin ran towards their houses to save themselves and the accused party chased them and hurled brick bats towards them, as a result of which, one of the bricks landed upon right ankle of the complainant. The complainant and his cousin fell down near Dera close to their houses and brother of the complainant, namely, Krishan and his uncle, namely, Raj Kumar Fighter, took the injured to the civil hospital, Abohar from where, they were referred to GGS Medical College, Faridkot for treatment and Pardeep Kumar was further referred to PGIMER, Chandigarh and, thus, the FIR (*supra*) was registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since 22.04.2024 and co-accused, namely, Sunil Bhaiya has been specifically attributed injury for which an offence under Section 307 of IPC was invoked. Although, the petitioner is alleged to have given *kappa* blow on the head of the complainant, however, the injury inflicted by co-accused, Sunil, has been declared as dangerous to life. The Investigating Agency has exonerated three persons nominated as an accused in the FIR (*supra*) which creates serious dent on the case set up by the prosecution. Further, till date, the learned trial Court has not even framed the charges.

Per contra, the learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner has taken an active part in the alleged incident and he has been specifically attributed a blow on the head of the complainant and Pardeep Kumar with a sharp edged weapon. He further submits that the petitioner is involved in two more cases and does not entitle to any relief. However, he could not controvert the fact that till date, charges have not been framed.



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 22.04.2024. 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 19 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**



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*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 the trial, the petitioner-Kannad alias Kuljeet Singh 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

24.04.2025

*Neha*

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