

**CRM-M-64064-2024 (O&M)****-1-****217 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-64064-2024 (O&M)****Date of Decision: 08.01.2025****BALJEET SINGH @ BUNTY****...Petitioner****V/S****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

**********HARPREET SINGH BRAR J. (Oral)**

1. Present petition has filed petition under Section 483 of BNSS for grant of regular bail in FIR No.264 dated 09.07.2024, under Section 287 of BNS, 2023 and Section 25 of Arms Act 1959 (Section 49, 308(4), 111 and 61(2) of BNS, 2023 were added later on) registered at Police Station Ladwa, District Kurukshetra.

2. As per the facts of case, Ankush Goyal filed written complaint alleging that he was running EDU SKOPE Studies Centre in Ladwa and is vice-president of Bharatiya Janata Party. On 08.07.2024, he was sleeping in the house along with his family. At about 11:05 PM, door bell outside his house rang and from inside he saw two young boys were standing on the road outside the gate, one boy was on motorcycle and other boy holding a pistol in his hand was continuously firing in the air to spread terror. Entire incident was captured in CCTV camera. He could identify the said boys on

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seeing. With these allegations, present FIR has been registered. Later on during investigation, present petitioner was also arrested.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and even in the CCTV footage procured by the Investigating Agency, he was not found present at the spot of occurrence and as per the case set up by the prosecution, the gunshots were fired by co-accused Varun @ Ashu and Manpreet @ Mani and the present petitioner has been nominated as accused due to some misunderstanding and the complainant-Ankush Goyal has given his affidavit clarifying that the petitioner is not involved in the alleged incident. The petitioner is behind the bars since 13.07.2024 and investigation of the case is complete and similarly situated co-accused namely Amandeep Kaur and Priti have been granted the concession of regular bail by the Co-ordinate Bench of this Court vide orders dated 07.11.2024 and 12.12.2024 passed in CRM-M-38506-2024 and CRM-M-48266-2024 respectively.

4. Per contra, learned State counsel filed the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that there is material available on record to prove the active connivance of the petitioner in the alleged occurrence. However, she could not controvert the fact that two similarly situated co-accused have been granted regular bail by Co-ordinate Bench of this Court and petitioner is not involved in any other case.

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5. Having heard the learned counsel for the parties and after perusing the custody certificate, it transpires that petitioner is behind the bars since 13.07.2024 i.e. for a period of 05 months 25 days and out of total 09 prosecution witnesses, none has been examined. Culpability, if any, would be determined at the time of the trial.

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.”

6. In view of the above, the present petition is allowed and the petitioner-Baljeet Singh @ Bunty is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

7. 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.

08.01.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

AJAY GOSWAMI
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I attest to the accuracy and
integrity of this document