

CRM-M-34230-2026

2026:PHHC:088034



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

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Date of Decision: 24.06.2026

Joban Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Vini Rana, Advocate for the petitioner (through V.C).

Mr. Bhanu Pratap Singh, Addl. AG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') (old Section 439 Cr.P.C.) seeking grant of regular bail in FIR No.11 dated 22.01.2026, registered under Sections 109, 115(2), 126(2), 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (old Sections 307, 323, 341, 34 and 120-B IPC) at Police Station A-Division, Amritsar, District Amritsar.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is behind bars since 18.04.2026. He submits that the petitioner has clean antecedents and has not been involved in any other criminal case. It is

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further contended that there is a delay a day in registration of the FIR. Learned counsel submits that the petitioner was neither named in the FIR nor present at the spot at the time of the alleged occurrence and has been nominated solely on the basis of the disclosure statement of co-accused Raja Sahota while in police custody, which by itself carries no evidentiary value in the eyes of law. He further submits that the injured, in respect of whom the offence punishable under Section 109 BNS has been invoked, has not attributed any specific injury to the present petitioner. Learned counsel further contends that co-accused Balwinder Singh and Gurpreet Singh @ Gopi have already been granted the concession of anticipatory bail by this Court vide common order dated 03.06.2026 passed in CRM-M-30287-2026 titled as Balwinder Singh versus State of Punjab and CRM-M-30288-2026 titled as Gurpreet Singh @ Gopi versus State of Punjab (Annexure P-2). He thus prays that the petitioner is also entitled to the concession of regular bail on the ground of parity.

3. The present FIR was registered on the statement of Rajbir Kaur alleging that on 13.01.2026, an altercation had taken place between her sons and their neighbour Gurpreet Singh @ Gopi and his friends while flying kites. It was further alleged that on 21.01.2026, the complainant and her son Deepak were assaulted by Gurpreet Singh @ Gopi and his family members and, subsequently, at about 1:30 p.m. to 2:00 p.m., her husband Surinder Singh was attacked near Civil Hospital, Amritsar by certain assailants, resulting in injuries to him. During investigation, CCTV footage

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of the hospital was examined and, thereafter, co-accused Raja Sahota was nominated as an accused. Upon his apprehension, he allegedly disclosed that he, along with Sahildeep Singh, the present petitioner-Joban Singh and Love Bhatti, had attacked Surinder Singh at the behest of Balwinder Singh and his son.

4. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the allegations against him are serious in nature and that he has been nominated on the basis of the disclosure statement made by the co-accused during investigation. It is submitted that the participation of the petitioner in the occurrence has been established during investigation. However, learned State counsel could not controvert the fact that co-accused Balwinder Singh and Gurpreet Singh @ Gopi have already been granted the concession of anticipatory bail by this Court.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds that admittedly, the petitioner was not named in the FIR and came to be nominated subsequently during the course of investigation. The principal basis for his nomination is stated to be the disclosure statement of a co-accused. It is also not disputed that co-accused Balwinder Singh and Gurpreet Singh @ Gopi have already been granted the concession of anticipatory bail by this Court. The petitioner is stated to have clean



antecedents and is not involved in any other criminal case. The trial is likely to take considerable time in its conclusion and no useful purpose would be served by keeping the petitioner behind bars for an indefinite period. The culpability of the petitioner, if any, shall be determined during the course of trial. Continued incarceration of the petitioner at this stage would not be justified, particularly in view of the principle of parity and the facts noticed hereinabove.

6. A two Judge Bench of the 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 as under: -

“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.”

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7. In view of the above, present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioner Joban Singh is ordered to be released on regular bail during trial on his furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court/Duty Magistrate concerned.
8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall proceed without being prejudiced by the observations of this Court.
9. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.06.2026

Puneet

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No