



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

**CRM-M-24819-2025  
Date of decision: 13.05.2025**

**KHUSHDIL SINGH ALIAS KHUSHIAN**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Rahi Mehra, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. This is the first petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail to the petitioner in case bearing FIR No.23 dated 20.02.2025 under Sections 109/190/191(3)/333/61(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Jandiala, District Amritsar Rural.

2. Briefly the relevant facts are that one Balwinder Singh made a police complaint on 20 February 2025, alleging that on 19 February, 2025 at around 10 p.m., he was resting in his house. Meanwhile Goldy, having *datar*, Karan Singh, having pistol, Khushdil Singh Khushya (petitioner herein), having *datar*, Suraj, having pistol, along with four or five other unknown persons, having *datar* and sharp edged weapons, forcibly entered his house and started claiming that let complainant come out, and be taught lesson for fighting or entering into dispute with accused Sarabjeet Kaur @ Sonia. When he



came out, then Goldy hit him three times on his head, due to which he fell down. Then all these persons keep on causing injuries with *datar* and sharp edged weapons upon him, and he suffered multiple injuries. He raised noise for help and forcibly entered the room of his house. Thereafter Karan Singh @ Kira and Suraj started firing upon him, which did not hit him. Ultimately, seeing that many people gathered at the spot, they fled away from the spot. Reason for attack was that his relatives Sandeep Singh had earlier lodged an FIR against these persons. At that time complainant was also against these persons. Under that motive, these persons have tried to kill complainant. This entire incident has been executed by these persons at the instance of accused Sarabjeet Kaur *alias* Soni. Injured was admitted in the civil hospital, where MLR was obtained. Accordingly, FIR (*supra*) was registered.

3. Learned counsel for the petitioner, *inter alia*, contends that although, petitioner is named in the FIR (*supra*), but he is not alleged to have caused any injury. Further, the injury on the head of the complainant is specifically attributed to co-accused Goldy. Furthermore, the alleged incident had taken place on account of motive attributable to co-accused Sarabjit Kaur @ Sonia, who has been granted the concession of anticipatory bail by this Court in case bearing **CRM-M No.20004 of 2025 (O & M)**. Learned counsel submits that the offence under Section 109 of BNS, 2023 has been added without obtaining any opinion from the doctor regarding the nature of injuries.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer of the petitioner on the ground that the petitioner was specifically named in the FIR



(*supra*) and has actively participated in the alleged incident and was armed with a *datar*. Further, the petitioner is involved in one more case. As such, the petitioner is not entitled to the concession of regular bail.

5. 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. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bar since 22.02.2025. Final report under Section 173 Cr.P.C. has not been presented yet, as such, the trial of the case has not started. 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.

7. 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.

8. In view of 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-Khushdil Singh *alias* Khushian is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. 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.

May 13, 2025  
*manisha*

(HARPREET SINGH BRAR)  
JUDGE

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|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |