



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

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**CRM-M-34846-2025 (O&M)
Date of decision: 11.07.2025**

Lovepreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vijay Lath, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this 2nd petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.0003 dated 20.01.2025 registered under Sections 126(2), 118(1), 324(5), 351(1), 351(3), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') (Section 109 of BNS added later on) at Police Station Morinda, District Rupnagar. The 1st petition filed by the petitioner seeking the same relief was dismissed as withdrawn on 02.07.2025 with liberty to the petitioner to file afresh petition with better particulars.

2. As per the prosecution case, the FIR (supra) was registered on the basis of a statement made by complainant Maninder Singh @ Mindi, who alleged that he and his friend Gaganpreet Singh were brutally attacked near Guga Marhi T-Point, Village Oind, while they



were in route to get their pet dog treated. The complainant stated that the accused, in furtherance of a criminal conspiracy, armed with deadly weapons such as kirpans, gandassas, and iron rods, along with co-accused Gurvinder Singh @ Gaggu, Deepu, Manpreet Singh, Jassa, Hira, and Jaggi, encircled their car bearing registration No.HR-26-CF-7045 and launched a violent assault, causing serious injuries and extensive damage to the vehicle. Specific blows were inflicted on both the complainant and his friend, who eventually had to flee for their lives. The assailants allegedly continued to assault the complainant even after he fell to the ground. The attack, which was allegedly motivated by prior enmity with Gaganpreet Singh, was witnessed by villagers, including Sarpanch Paramjit Singh, who later on arranged for medical aid at Civil Hospital Morinda, from where both the injured persons were referred to GMCH, Sector-32, Chandigarh.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and he is not named in the FIR. Further no injury has been attributed to the petitioner and the offence under Section 109 of BNS has been added later on without obtaining the medical opinion of the doctor. No specific role has been attributed to the petitioner in the alleged assault, nor has any recovery been effected from his possession. The allegations are vague and appear to be a result of generalised imputations arising out of a prior enmity with another individual. Further the petitioner is behind the bars since 19.02.2025 and the injury, for which the offence under Section 109 of



BNS has been invoked, is specifically attributed to co-accused and the trial is likely to take long time in conclusion.

4. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was a member of unlawful assembly and he played an active role while committing the offence. He further submits that although the petitioner is involved in two more cases, however, he is on bail in both the said cases and he could not controvert the fact that the injury for which the offence under Section 109 of BNS has been added, is not attributed to the petitioner.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 04 months and 19 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress.

6. A two Judge Bench of 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:

"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.”

7. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.

8. Further 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Lovepreet Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety



bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

11.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No