



registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case along with two other persons, namely, Jeevan Kumar and Ramandeep Singh and both of them have been granted the concession of regular bail by this Court vide order dated 29.01.2025 passed in CRM-M-3905-2025 (O&M) titled as 'Jeevan alias Jeevan Kumar Vs. State of Punjab' and vide order dated 21.02.2025 passed in CRM-M-9039-2025 (O&M) titled as 'Ramandeep Singh @ Rammy Vs. State of Punjab' (Annexures P-6 & P-7, respectively). It is further submitted that the complainant has not supported the case of the prosecution completely and has exonerated one of the co-accused persons and further, he has been declared hostile by the learned Public Prosecutor. The petitioner is behind the bars since 04.09.2024 and he is not involved in any other case. He further submits that out of the cited prosecution witnesses, only one has been examined till date and victim has already been examined.

4. The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the victim has specifically named the petitioner and his statement was recorded by the jurisdictional Magistrate under Section 164 Cr.P.C. and he also identified the petitioner in the Court.

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 bars since 04.09.2024. 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 only 01 prosecution witness 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.

7. 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-Sulekh @ Sulekh Nirankari is ordered to be released on



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regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. 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

11.03.2025

Neha

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