



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

221

**CRM-M-5719-2025 (O&M)
Date of decision: 01.05.2025**

Puran Nath @ Gaggi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. M.K. Dhot, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.70 dated 08.04.2024 registered under Sections 365, 367, 307, 323, 506, 148, 149 IPC at Police Station Kotwali, District Patiala.

2. As per the prosecution case, the FIR (supra) was registered on the statement of Surinder Singh alias Chhinda, who stated that on 07.04.2024, he was informed by Jashandeep Singh that his son Gurpreet Singh alias Guri, had been seriously injured and admitted to Rajindra Hospital, Patiala, and he was later shifted to Jiwan Hospital due to multiple injuries. Surinder Singh learned from his son's friends, Gurmukh Singh and Jashandeep Singh, that Manpreet Singh alias Vicky, along with Amandeep Singh alias Aman and Puran Nath alias Gaggi, had lured them to a house in Krishna Colony, Patiala, under the pretext



of having tea, and there they were assaulted by them and were forced to call Gurpreet Singh @ Guri by making a false excuse. When Gurpreet Singh @ Guri arrived at the spot at about 05:00 PM, the accused persons locked him inside the house and caused him beatings with iron rods and wooden sticks on his head, arms, and legs with the intention to kill, and threatened the others with dire consequences.

3. Learned counsel for the petitioner *inter alia* contends that the complainant party has trespassed into the house of the petitioner and thereafter, the petitioner made phone call on police helpline, however, under the influence of the complainant, the jurisdictional police authorities have not recorded the version of the petitioner and conducted the investigation in a biased manner and thereafter, falsely implicated him in the FIR (supra). As per the case set up by the prosecution, it is not forthcoming who has caused injury No.1 which was declared dangerous to life. Further the petitioner is not involved in any other case and he has suffered the incarceration of more than 01 year and the injured witness has already been examined.

4. Learned counsel for the petitioner further submits that there are total 26 prosecution witnesses cited in the list of witnesses, out of which, only 01 PW has been examined till date and the trial is likely to take long time in conclusion.

5. *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 has been specifically named in the FIR (supra) and he along with others has caused multiple injuries on the head, legs and arms of the victim and as such, the petitioner is not entitled to any relief, however, he could not controvert the fact that the petitioner is not involved in any other case.

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 from the last more than 01 year. 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. Out of 26 prosecution witnesses, only 01 PW has been examined so far.

7. 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.”

8. 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Puran Nath @ Gaggi 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

01.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No