



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-24869-2025  
DECIDED ON: 13.05.2025

RANJIT SINGH @ GADAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ranjodh Singh Sidhu, Advocate  
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

**SANDEEP MOUDGIL, J (ORAL)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 483 of Bharatiya Nagrik Suraksha Sanita, 2023, for the grant of regular bail to the Petitioner in case F.I.R no. 137 dated 25.11.2023 under sections 341, 323, 324, 506, 427, 148, 149 (326 Added Later on) of Indian Penal Code 1860, Police station Khilchian, District Amritsar (Rural).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*"Statement of Gurleen Singh son of Manjit Singh, resident of Bhorchi Rajputan Police Station Khilchian, District Amritsar, aged about 21 years, Mobile: 6284919125. Stated that I am resident of the above mentioned address. I passed the study of +2 from Government High School, Khilchian in the year 2022. Thereafter, I have been doing the course of cooking at*

*Modi Centre Fatehpur. On 12.11.2023, in connection with Diwali along with Gurwinderpal Singh son of Bakhshish Singh, Amrital Singh son of Mehtab Singh, residents of Bhorchi Rajputan had been celebrating Diwali in my house, then Harman Singh son of Kulbir Singh, resident of Bhorchi Rajputan by making phone call from phone No. 98159-77542 on my phone No. 6284919125 said that reach soon at the road of Nanakpura, persons have attacked me, I after having been accompanied with Gurwinderpal Singh son of Bakhshish Singh, Amritpal Singh son of Mehtab Singh, residents of Bhorchi Rajputan on Splendor Motor Cycle bearing No. PB-02-DZ-1268 after reaching on the metalled road leading to Nanakpura saw upto considerable distance, then neither Harman Singh was seen to us, nor any person met to us at the time of visit. We after going at a considerable distance made phone call to Harman that where are you, then Harman Singh said that I have tested you that whether you come or not. From there we after boarding on the same motorcycle were about to go to our house, then as when we reached near the bank of circular road pond of the village from Nanakpura Road at about 11:30 PM, then on the front side Gulab Singh son of Karnail Singh armed with datar, Sarwan Singh @ Sodhi son of Roorh Singh armed with Kirpan, Dharminder Singh son of Sarwan Singh Sodhi armed with rod, Jatinder Singh son of Sarwan Singh Sodhi armed with rod, with which the axle of the motorcycle was welded with, Bagicha Singh son of Karnail Singh armed with Kirpan, Gursimran Singh @ Chuddu, son of Bagicha Singh armed with Rod, Amritpal Singh son of Jagtar Singh armed with gandas, Ranjit Singh son of Lakha Singh armed with datar, all residents of Bhorchi Rajputan came ahead of our motor cycle. I stopped the motor cycle. The above mentioned Sarwan Singh Sodhi and Gulab Singh said by raising lalkara loudly that today catch them, they may not be go spared, let's teach them a lesson for coming in the street, Gulab Singh gave reverse blow with his datar to me, which hit on the backside of my head, Sarwan Singh Sodhi gave blow with his rod to me*

*which hit on my right shoulder, Dharminder Singh gave blow with his rod to me which hit on the left side of my hip joint, Jatinder Singh gave blow with his rod with which the axle of motorcycle was welded, to me, which hit on my right knee, Bagicha Singh gave blow with his Kirpan to me which hit below my left leg knee, Gursimran Singh @ Chuddu gave blow with his rod with which the axle of motorcycle was welded with, which hit on my head, Jobanpreet Singh @ Jaali gave blow with his dang, which hit in my hip joint, Amritpal Singh gave blow with his gandasi, which hit on the right side on my head, Ranjit Singh gave blow with his datar to me and I raised my right hand ahead in, order to save me, which hit on my right hand and little finger, thereafter Dharminder gave blow with his rod to me, I raised my right hand ahead in order to save me, which hit on my right hand and I fell down on the ground. While I was lying down, Jatinder Singh gave blow with his rod with which the axle was welded with, which hit on my head. Gurwinderpal Singh son of Bakhshish Singh, resident of Bhorchi Rajputan was with me, Jatinder Singh with his rod also gave blow with rod axle to Gurwinderpal, which hit on the left side of head, Dharminder gave blow with his rod to me, which hit on the right side of head, Bagicha gave blow with his Kirpan to Gurwinderpal Singh, which hit in the middle of his head, Jobanpreet Singh @ Jaali gave blow with his dang to Gurwinderpal Singh which hit on the left eye's eye brow of Gurwinderpal Singh, Ranjit Singh gave blow with his datar to Gurwinderpal Singh, which hit on the left shoulder, Amritpal Singh who was with me, the above mentioned persons also inflicted injuries to him, also inflicted number of injuries to him. At that time they also committed breakage of mobile I- phone 15 Pro X with me as well as of motorcycle. I and Gurwinderpal Singh and Amritpal Singh raised the raula of mar ditta mar ditta, then all the above mentioned accused persons along with their respective weapons fled away from the spot and while going they also gave threats of killing us. The motive behind*

*the occurrence is that they restrain me and my companions from passing through the street. On hearing noise, Ranjit Singh son of Sukhdev Singh and Amarbir Singh Bal son of Rachhpal Singh, residents of Bhorchi Rajputan reached before us, who upon seeing our condition after making arrangement vi a conveyance rushed me and Gurwinderpal Singh to Civil Hospital, Baba Bakala Sahib. The Civil Hospital officials after giving first aid to us and by affixing stitches by stopping oozing of blood sent to Shri Guru Nanak Dev Hospital Amritsar by way of referral on Ambulance 108, where the treatment of both of us was conducted since that day upto 17.11.2023 and we were discharged. Since that day the respectable persons of the village kept on getting effected the compromise of we both the parties, but the same could not be matured. The MRs of me and Gurwinderpal Singh have also since been reached before you. Today I after having been accompanied with Amarbir Singh Bal son of Rachhpal Singh, resident of Bhorchi Rajputan had been going to the police station, you have met. I have got recorded my above mentioned statement before you in the presence of Amarbir Singh Bal. Appropriate legal action may be taken against all the above mentioned accused persons. I am responsible. The statement has been heard, the same is correct. Sd/- Gurleen Singh*

3. **Contentions**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the allegations against the petitioner are that he gave datar blow on the right hand and little finger of the complainant namely Gurleen Singh and datar blow on left shoulder of Gurwinderpal Singh. He further contends that the injuries attributed to the petitioner are grievous in nature but not dangerous to life and simple in nature respectively. It has been further contended that the petitioner is on much better footing than co-accused namely Gursimran

Singh @ Chuddu, who has been granted the concession of anticipatory bail by this Court vide order dated 21.01.2025 (Annexure P-6) passed in CRM-M-2874-2025. It has been further submitted that the petitioner is not a habitual offender as he is not involved in any other case.

**On behalf of the State**

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner along with other co-accused persons had inflicted serious injuries on the person of the complainants.

4. **Analysis**

Be that as it may, considering the custody period undergone by the petitioner i.e. 03 month and 07 days added with the facts that the injuries attributed to the petitioner are though grievous in nature but not dangerous to life and some are also simple in nature; the petitioner is on much better footing than co-accused namely Gursimran Singh @ Chuddu, who has been granted the concession of anticipatory bail by this Court vide order dated 21.01.2025 (Annexure P-6) passed in CRM-M-2874-2025; the petitioner is not a habitual offender as he is not involved in any other case, as is evident from custody certificate produced today before this Court by learned State counsel; investigation is complete, wherein challan stands presented to Court on 25.02.2025, charges are yet to be framed and total 15 prosecution witnesses are yet to be examined, which is suffice for this Court to infer that the conclusion of trial shall take considerable time, this Court is of the considering view that detaining the petitioner behind the bars for an indefinite period would serve no purpose.

Reliance can be placed upon the judgment of the Apex Court rendered in “*Dataram versus State of Uttar Pradesh and another*”, 2018(2) *R.C.R. (Criminal) 131*, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

*“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.*

*3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.*

*4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in*

*judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.*

*5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in *In Re-Inhuman Conditions in 1382 Prisons*, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658*

*6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in *Nikesh Tara chand Shah v. Union of India*, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565 in which it is observed that it was held way back in *Nagendra v. King-**

*Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.*

*7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”*

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Balwinder Singh versus State of Punjab and Another**”, **SLP (Crl.) No.8523/2024**. Relevant paras of the said judgment reads as under:-

*“7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.*

*8. It is not for nothing the Author Oscar Wilde in “The Ballad of Reading Gaol”, wrote the following poignant lines while being incarcerated:*

*“I know not whether Laws be right,  
Or whether Laws be wrong;*

*All that we know who be in jail  
Is that the wall is strong;  
And that each day is like a year,  
A year whose days are long.”*

5. **RELIEF:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on him furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(SANDEEP MOUDGIL)  
JUDGE**

**13.05.2025**

*Poonam Negi*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*