



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

**CRM-M-16739-2025
Date of decision: 07.05.2025**

ANKIT BISHT

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. L.S. Lakhanpal, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

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.0023 dated 12.03.2024 under Sections 379-B/34 of Indian Penal Code (Section 411 of IPC added later on) registered at Police Station Model Town, Police Commissionerate Ludhiana.

2. FIR (*supra*) has been registered on the statement of complainant Amit Kumar, in which he stated that on 10.03.2024, after borrowing the motorcycle of his friend, he went to purchase vegetable. At about 01:15 PM, when he returned back to the place where he was working, then two young persons, on motorcycle, came to him. The driver of the motorcycle was wearing turban and other was Hindu person. They criminally intimidated him. The Hindu person started searching him and they snatched his mobile phone Make A-51 of white colour having A type sticker on it, from the pocket of his pent and thereafter, they fled away from the spot. Their motorcycle number was PB-91P-6977. Thereafter, complainant searched for those persons at his



own level and during search, he came to know that the person, who was driving the motor-cycle was Gian Singh and other person was Ankit. On the statement of complainant FIR (*supra*) was registered.

3. Learned counsel for the petitioner, *inter alia*, contends that the main accused, namely, Gianpreet Singh has been granted the concession of regular bail by learned Additional Sessions Judge, Ludhiana on 07.05.2024 (Annexure P-3). He further contends that the petitioner was the pillion rider and the main accused was driving the motor-cycle. Furthermore, the identity of the petitioner as one of the assailants has not been established. He submits that the petitioner is behind the bars since 21.02.2025. The investigation of the case is complete and the petitioner prays for grant of regular bail on the ground of parity with co-accused.

4. Learned State counsel produces the custody certificate of the petitioner, which is take on record and *per contra*, opposes the prayer of the petitioner on the ground that the petitioner has played an active role in the alleged crime and he is involved in 03 more FIRs. As such, keeping in view his antecedents, he 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 21.02.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case is likely to take long time. 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-Ankit Bisht 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 07, 2025
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(HARPREET SINGH BRAR)
JUDGE

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