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

CRM-M-4303-2025

Date of decision: 28.07.2025

Kirpal Singh alias Geeta

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.134 dated 26.07.2022 under Sections 302/307/323/148/149 of IPC and Sections 25/27 of Arms Act registered at Police Station Talwandi Sabo, District Bathinda (Punjab) (Annexure P-1).

Compactly, the facts of the case are that the complainant took 2 and a half acres of *panchayat* land on lease and on the day of occurrence, he along with his brother and father were irrigating the said land with canal water. After their turn of water, it was turn of other *panchayat* land, which has been taken by Khushdeep Singh etc. on lease. Due to this, Khushdeep Singh, Kuldeep Singh, Gagandeep Singh, Rajwinder Singh went to the land taken by them on lease and in the meantime, Amritpal Singh armed with his licensed 32 bore revolver, Simranjit Singh armed with 12 bore gun, the petitioner armed with country made pistol, Kuleep Singh armed with sword along with Harbans Singh, Amandeep Singh, Seeta Singh, Badal Singh, Husanpreet Singh and 4/5 unidentified persons who all were armed with *gandase* and swords came on



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Eicher Tractor of Harbans Singh, Eicher Tractor of Kirpal Singh and Bolero Car of Amritpal Singh and asked Khushdeep Singh who was to water the fields. Khushdeep Singh told them that he has taken the land on lease then the petitioner fired a shot from his pistol towards the complainant and others. The round passed over their heads. Then Amritpal Singh gave three shots from his revolver, out of which, one hit in the chest of brother of the complainant, one on left side of his chest and one on his left bicep. Thereafter, the brother of the complainant fell on the ground and all the assailants attacked the complainant and others with an intention to kill them. All of them caused injuries to Gagandeep Singh, Kuldeep Singh and Rajwinder Singh with their respective weapons. On raising alarm, the assailants fled away from the spot along with their respective weapons and thus, the present case.

Learned counsel for the petitioner *inter alia* contends that the case of the petitioner is at par with co-accused, namely, Harbans Singh, who has been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 08.01.2025 passed in CRM-M-12135-2024 titled as 'Harbans Singh Vs. State of Punjab' (Annexure P-3). The petitioner has suffered incarceration of almost 03 years of actual custody and till date, the prosecution has not examined even a single witness out of 32 prosecution witnesses and 01 has been given up. The false implication of the petitioner is evident from the fact that the deceased died due to fire arm injury which is specifically attributed to co-accused, namely, Amritpal Singh and petitioner is not having any licensed weapon. He along with two more persons were shown to have been with fire arm weapon. Country made pistol has been planted on the petitioner. Admittedly, the petitioner has not caused any injury either to the



deceased or any of the witnesses. It is further submitted that the petitioner has been involved with the aid of Sections 148/149 of IPC as with the case of co-accused, Harbans Singh who has been granted the concession of regular bail.

The learned State counsel has filed custody certificate along with status report in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner has been specifically named in the FIR (*supra*) and specific role has been attributed of firing a shot. However, he could not controvert the fact that no injury was attributed to the petitioner and co-accused has already been granted the concession of regular bail.

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.”

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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 17.08.2022. 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 out of 32 prosecution witnesses, none 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.

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-Kirpal Singh @ Geeta, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

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

28.07.2025*Neha*

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