



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-7431-2025  
DECIDED ON: 24.04.2025

AMANDEEP SINGH @ MAST

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jaskamal Singh Grewal, Advocate and  
Mr. Puneet Sharma, Advocate for  
Mr. Manjinder Singh Saini, 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 B.N.S.S. for grant of regular bail to the Petitioner in case bearing FIR No.31 of 17.02.2024, U/S 323, 324, 379-B, 307, 148, 149, 120-B IPC offence under Sections 325, 326, 201 IPC (Added later on) Police Station City, Phagwara, District Kapurthala. (Annexure P-1).

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

*Statement of Davinder Singh Mani @ Baja son of Manjit Singh resident of Damunda, Police Station Adampur District Jalandhar, aged about 26 years, mobile No. 86991-06536, I would like to state that I am resident of above noted address and I am living in the house.*

*we are two siblings and my elder sister is Simranjit Kaur who is married and is living abroad along with her family. My father has taken divorce from my mother Manjit Kaur and my mother is house wife. On 12.02.2024 at evening time, I went to my friends at Phillaur. One unknown lady was talking to me from her ID to my ID on Instagram from last 10-12 days. On 14.02.2024 she talked to me on Instagram ID and she told me that I am going abroad, you immediately meet me, therefore, I got agreed for it. I had gone from Phillaur to Phagwara by bus. At around 01.30 AM, I came out from the bus at bus stand Phagwara and at that time I was also doing Chat with said unknown girl. In the meantime, Jaswinder Singh Angrej son of Jasbir Singh resident of Naroor, Police Station Rawalpindi, Phagwara armed with Datar, Amandeep Singhe Masat son Of Hari Singh resident of Naroor, Police Station Rawalpind District Kapurthala armed with Khanda, Gurwinder Singh resident of Kashirabad, Phagwara armed with Khanda (both sides sharp), Monu resident of Talwan District Jalandhar armed with Khanda came towards me. Firstly Amandeep Singh @ Masat has hugged me and left me, Jaswinder Singh C Angrje has given blow of his Datar to me with the aim to kill me then I moved but said blow hit on the backside of my head and he given another blow of Datar to me which hit on the backside of my head, I fell down on the ground, Amandeep Singhe Masat, Gurwinder Singh, Monu above said have give blow with their respective weapons on my both legs and both arms with the aim to kill me, Jaswinder Singh @ Angrej kept on giving blows of Datar on my body and on looking the gathering of public at the spot, they said by taking the name of Jassa Daroli Kalan District Jalandhar that we are coming towards the car and all ray away in the swift Car lying in front of bus towards Sugar Mill Phagwr side. The motive behind the incident is that Amani brother of Jaswinder Singh Angrej came to attend the DJ/ Jago function in our village, where he quarreled, due to said grudge, Jaswinder Singh C Angrej in connivance to his friends, has talked to me by taking on Instagram through an*

*unknown girl and called me at Phagwara, where they caused injuries to me. Legal action be taken against the above said persons. After arranging vehicle, I was brought from the bus stand Phagwara to Civil Hospital Phagwara for treatment and one passerby has taken the mobile number of my mother from me and intimidated her then my mother also reached at Civil Hospital Phagwara, where I was got admitted in the hospital and due to my serious condition, I was got discharged from Civil Hospital Phagwara and admitted me in Narad Hospital, Hoshiarpur where I am under treatment. The accused while going from there, also taken away my mobile make I-Phone Eleven from me. Statement got recorded, heard, same is correct.”*

### 3. Contentions

#### On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and no specific injury has been attributed to the present petitioner and whatever injury was inflicted on the person of the complainant is on the non-vital part of the body. He further contends that the petitioner is in custody since 27.08.2024 and after completion of the investigation, challan stands presented to Court on 26.11.2024, charges are yet to be framed and total 14 prosecution witnesses are yet to be examined, meaning thereby, the conclusion of the trial will take long time.

#### 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 as many as 20 injuries on

the person of the complainant Davinder Singh @ Mani. He further contends that the petitioner is a habitual offender as he is involved in three other cases.

4. **Analysis**

Be that as it may, considering the custody period undergone by the petitioner i.e. 07 months and 24 days added with the facts that the no specific injury has been attributed to the present petitioner and whatever injury has been inflicted on the person of the complainant by other co-accused persons is on non-vital part of the body; investigation is complete, wherein challan stands presented to Court on 26.11.2024, charges are yet to be framed and total 14 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 “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “***Baljinder Singh alias Rock vs. State of Punjab***” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner

are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

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**

**24.04.2025**

*Poonam Negi*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*