



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

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**CRM-M No.1565 of 2025
Date of decision: 20.01.2025**

Ravi Kumar @ Fauji

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tajveer Singh Gaba, Advocate
and Mr. Ashish Pundir, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.83 dated 19.10.2023 registered under Sections 25(6) and 25(7) of the Arms Act, 1959, Section 411 IPC, at Police Station Dhakoli, District S.A.S. Nagar (Mohali).

2. The present FIR was registered with the allegations that on 19.10.2023, it was revealed to the complainant that the petitioner and one co-accused are coming on motor-cycles armed with weapons and they are going to commit a crime and if a naka is laid down, they all can be apprehended. Finding the information credible, the FIR was registered and the petitioner along with co-accused were intercepted and one 32 bore pistol, 03 live cartridges of 32 bore were recovered from Jatinder Singh @ Soni and one pistol each has been recovered from



Lakhvir Kumar @ Lucky and Gurwinder Singh @ Mattu and 01 pistol along with 05 live cartridges were recovered from the present petitioner.

3. Learned counsel for the petitioner, *inter alia*, contends that 04 persons were named in the FIR and out of them, 03 persons have been granted the concession of regular bail by this Court on 07.03.2024 passed in CRM-M No.11181 of 2024 and other connected cases, titled as “*Jatinder Singh @ Soni vs State of Punjab*” (Annexure P-3). He further submits that the petitioner was not part of any group or syndicate involved in organized crime and the case of the petitioner is identical to the aforementioned accused persons, who have already been granted the concession of regular bail. He further submits that the petitioner is behind the bar since 19.10.2023 and he has suffered incarceration of almost 15 months and the prosecution has not been able to conclude its evidence as out of 16 PWs, none has been examined so far.

4. *Per contra*, learned State counsel has placed on record Custody Certificate dated 19.01.2025 today in the Court and, on instructions from ASI Baljeet Singh, opposes the prayer for grant of regular bail to the petitioner on the ground that unlicensed fire-arm along with 05 live cartridges have been recovered from the petitioner and he is involved in 03 more cases and if the petitioner along with co-accused would not have been apprehended, they could have committed some heinous crime.

5. 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 01 year, 02 months and 27 days. 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 16 prosecution witnesses, none has been examined till date.

6. 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 as under:

“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.”

7. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner namely Ravi Kumar @ Fauji is ordered to be released on regular bail during

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pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. 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

20.01.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No