



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

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**CRM-M-39490-2025**  
**Date of decision: 30.07.2025**

Ravi Kumar

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Ramesh Hooda, Advocate  
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this 2<sup>nd</sup> petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.76 dated 24.11.2024 registered under Sections 103(2), 3(5), 191(3), 191 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') (Sections 190, 238, 249 and 253 of BNS, 2023 added later on) at Police Station Division No.1, Ludhiana, District Ludhiana. The 1<sup>st</sup> petition filed by the petitioner seeking the same relief was dismissed as withdrawn on 09.07.2025, with liberty to file afresh petition.

2. As per the prosecution case, the FIR (supra) was registered on the statement of Manjit Singh, father of deceased Kamaljit Singh. On the night of the incident, Kamaljit went out with friends Ritik, Kunal, and Samir in his car Venue bearing No.PB-10-UN-2377. Later, the family was informed that Kamaljit had been taken to the hospital, where



he was declared dead. The co-accused Ritik disclosed that an altercation took place at a liquor vend with Sandeep, Sunil, Happy Rajput, Shiva, and Ankit, during which the latter group assaulted Kamaljit with baseball bats and sticks, causing fatal injuries.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR (supra). Further no overt act or specific role is attributed to the petitioner. The petitioner has been nominated as an accused with the allegations for providing shelter to the co-accused Sandeep and Sunil. Admittedly the petitioner has not participated in the alleged incident in any manner or cause any injury to the victim. The petitioner has suffered the incarceration of more than 07 months and he is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 19 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner knowing fully well that the co-accused have committed a heinous crime has given shelter with intention to shield them from the process of law as such, his complicity is duly established, however, he could not controvert the fact that the petitioner is not involved in any other case.



6. 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 07 months and 05 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 19 prosecution witnesses, no PW has been examined so far.

7. 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:

*"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."*

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further



detention of the petitioner-accused. 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.

9. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Ravi Kumar is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. 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**

**30.07.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No