



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

224+310

Date of decision: 24.07.2025

1. CRM-M-2241-2025

Gurpreet Singh Arora @ Gurpreet Singh @ Linkan

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M-28601-2025

Gurpal Singh @ Robin

....Petitioner

Versus

State of Punjab

....Respondent

3. CRM-M-28611-2025

Vaishaly @ Vaishali

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raghav Soni, Advocate
for the petitioner(s) in all the cases.

Mr. Rishabh Singla, AAG, Punjab.

Mr. B.D. Sharma, Advocate
for the complainant in all the cases.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M Nos.2241, 28601 and 28611 of 2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-28611-2025.



2. Prayer in all these petitions filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner(s) namely Gurpreet Singh Arora @ Gurpreet Singh @ Linkan, Gural Singh @ Robin and Vaishaly @ Vaishali in FIR No.236 dated 23.11.2024 registered under Sections 326(g), 324(4), 329(2) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station Kamboj, Amritsar (Rural).

3. As per the prosecution case, on 22.11.2024, the employee of the complainant Sajan after locking the shutter of the showroom handed over the keys to son of the complainant Shivam. After some time, the complainant got a telephonic call that the shutter of his shop was opened at about 03:03 AM. Thereafter, on his request, his sister in law namely Nidhi Arora went to the showroom and noticed that someone had set fire on the showroom. Hence, on the statement of complainant, the impugned FIR was registered.

4. Learned counsel for the petitioner(s) *inter alia* contends that all the petitioner(s) have been falsely implicated in the FIR (supra) on account of an ongoing property dispute with the complainant and the petitioner(s) and complainant are real brothers and sisters. As per the case set up by the prosecution, the shop of the complainant was set on fire by three miscreants with muffled faces and their movement was captured in the CCTV footage. The petitioner – Vaishaly @ Vaishali, is a household lady and the petitioner(s) have suffered the incarceration of more than 08 months.



5. Learned counsel for the petitioner(s) further submits that the petitioners namely Gurpreet Singh Arora @ Gurpreet Singh @ Linkan and Gurpal Singh @ Robin are not involved in any other case. There are total 12 prosecution witnesses cited in the list of witnesses, out of which, no PWs has been examined till date and the trial is likely to take long time in conclusion.

6. *Per contra*, learned State counsel has filed custody certificates of petitioner Gurpreet Singh Arora @ Gurpreet Singh @ Linkan and Vaishaly @ Vaishali today in the Court which are taken on record. Learned State counsel assisted by learned counsel for the complainant has vehemently opposes the prayer made by learned counsel for the petitioner(s) on the ground that the petitioner(s) the complainant suffered a huge loss of around Rs.90.00 lacs and he has recognized the petitioner(s) as two of the assailants, who had set the shop of the complainant on fire and keeping in view the huge loss suffered by the complainant and the serious allegations, the petitioner(s) are not entitled to any relief. Moreover, the petitioner – Vaishaly @ Vaishali is involved in one more case, however, he could not controvert the fact that the petitioner(s) namely Gurpreet Singh Arora @ Gurpreet Singh @ Linkan and Gurpal Singh @ Robin are not involved in any other case.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner(s) are behind the bars from the last more than 08 months. 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 12 prosecution witnesses, no PW has been examined so far.

8. 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."

9. 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(s)-accused. Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the



near future, would be violative of their rights under Article 21 of the Constitution of India.

10. Further 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(s) in other cases would not be a ground to refuse grant of concession of regular bail.

11. In view of the discussion made hereinabove, the present petitions are allowed. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Gurpreet Singh Arora @ Gurpreet Singh @ Linkan, Gural Singh @ Robin and Vaishaly @ Vaishali are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/trial Court/Duty Magistrate.

12. 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.

13. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

24.07.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No