



229

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

CRM-M-22216-2025

Date of decision: 01.05.2025

Jaspreet Singh @ Beera

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashutosh Gupta, Advocate and
Mr. Pulkit Goyal, Advocate
for the petitioner.

Mr. Nitesh Sharma, 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.0290 dated 10.11.2024 under Sections
115(2)/118(1)/126(2)/351(2)/351(3)/191(3)/190/331(6) of BNS registered at
Police Station Tripri (Tripuri), Patiala.

The FIR (supra) has been lodged on the basis of statement of
Makhan Singh, who stated that he used to sell clothes in villages. They are four
siblings. He was married, and his wife's name is Paramjit Kaur. They have two
daughters. On 08.11.2024, his younger brother Avrinder Singh's wedding was
scheduled, so on 07.11.2024, they were celebrating the pre-wedding ceremony
(Jago). At around 09:30 PM, when he was standing outside his house then his
neighbour Bira alias Gori, standing outside his house with his mother Raj Kaur
and father Sardar Singh Sardari, in anger told him to stand ahead and also
abused him. Due to the function at the complainant's house, he did not respond.
Later, Bira's mother told him to hit the complainant with something. His cousin



CRM-M-22216-2025

-2-

Shamsher Singh arrived, and Gori and his family used abusive language towards him as well. Complainant side did not respond and went inside their house. Gori called someone on the phone while abusing him. After about half an hour, Gori's real brother Manjit Singh alias Mani Dana, Prince, Valaiti, and their relative Lakhan, along with 7-8 unidentified persons, arrived on three motorcycles. They parked their motorcycles outside their house and entered inside with sticks, rods, and swords. Mani and Gori were holding swords. Their mother Raj Kaur and father Sardar Singh Sardari also entered their house with sticks. Gori attacked his head with a sword. Manjit alias Mani Dana attacked on his wife's head with a sword. When he attacked again, his wife raised her hand to protect herself, and the sword hit her left thumb and finger. Lakhan hit his left hand with a baseball bat and also hit his wife's legs with the bat. The other 7-8 unidentified persons and Gori's parents surrounded them and beaten them severely, and also attacked upon them with swords. When they shouted for help, Mani and Gori grabbed his wife by her hair and beaten her, and fled away along with their weapons by threatening to kill them. Their relatives took them to Rajindra Hospital, Patiala, for treatment due to severe injuries and excessive bleeding. On the basis of aforesaid allegations, FIR(supra) was registered.

Learned counsel for the petitioner *inter alia* contends that similarly situated co-accused, namely, Sardar Singh, has been granted the concession of regular bail by this Court vide order dated 25.03.2025 passed in CRM-M-15332-2025 titled as 'Sardar Singh Vs. State of Punjab' (Annexure P-7). However, the petitioner is alleged to have given a blow with the sword on the head of the complainant. Further, the aforementioned injury has been declared as simple in nature. There is delay of three days in the registration of the FIR



CRM-M-22216-2025

-3-

(*supra*). All other offences are bailable in nature except Section 331(6) of BNS. The petitioner is behind the bars since 01.12.2024. He further submits that the petitioner is involved in one more case under the Excise Act in which he is on bail.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that petitioner has played active role in the alleged occurrence and he along with other accused have trespassed into the house of the complainant and given injuries to him.

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.”

**CRM-M-22216-2025****-4-**

Having heard the learned counsel for the parties and after perusing the custody certificate, it transpires that petitioner is behind the bars since 01.12.2024 i.e. for 05 months as on 30.04.2025 and trial of the case has not even started as not even a single prosecution witness has been examined till date. No useful purpose will be served by keeping the petitioner in further incarceration. Culpability, if any, would be determined at the time of the trial. The petitioner is not involved in any other case.

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-Jaspreet Singh @ Beera 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

01.05.2025*Neha*

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