



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

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**CRM-M-34623-2025 (O&M)
Date of decision: 10.07.2025**

Amrik Singh @ Meeka

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

CRM-25135-2025

Allowed as prayed for.

CRM-M-34623-2025

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.22 dated 13.02.2024 registered under Sections 323, 324, 148, 149, 506, 307, 326 IPC at Police Station Goraya, Jalandhar, District Jalandhar.

2. The brief facts of the case are that Surinder Singh @ Sodhi, an agriculturist from village Sangh Desiyan, District Jalandhar, reported an attack on him by a group of individuals on 10.02.2024, at about 12:00 to 1:00 PM. The dispute arose because Surinder Singh @ Sodhi paid to repair a shared water pump, but Gurjant Singh, who leased land from Surinder's uncle, did not pay his share of Rs.1900/- and Rs.2000/-



to Rs.2500/- respectively. While Surinder Singh @ Sodhi was working on his farm, a group of persons including Sunny, Gurjant Singh, Amandeep, Manveer Singh, Amrik alias Meeka (petitioner herein), and Lucky arrived on their motorcycles, armed with weapons like swords and sharp tools. Manveer Singh threatened Surinder Singh @ Sodhi, and then the said group of persons attacked him, hitting him on his head and ankles. When a passerby came nearby, they ran away from the spot, after extending threats to the complainant. The injured Surinder Singh @ Sodhi was taken to DMC Hospital in Ludhiana for treatment. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the main accused, who have been attributed the injury for which the offence under Section 307 IPC was invoked have already been granted the concession of regular bail vide order dated 28.04.2025 passed by this Court in CRM-M Nos.42459 and 53758 of 2024 (Annexure P-1). Further there is a delay of 03 days in registration of the FIR, which creates a serious dent on the case set up by the prosecution and after due deliberation and consultation, 06 persons have been nominated as an accused in the FIR (supra) and the offence under Section 307 IPC was added later on, on the basis of the supplementary statement made by the complainant. He further contends that the petitioner is alleged to have given a simple injury attracting the offence under Section 324 IPC and the petitioner has, admittedly, not caused the injuries for which the offence under Section 307 IPC has been invoked. Further the



complainant – Surinder Singh has been examined as PW-1 and Daljit Kaur has been examined as PW-2.

4. Learned counsel for the petitioner further submits that the petitioner has suffered the incarceration of 08 months and 21 days. There are total 22 prosecution witnesses cited in the list of witnesses, out of which, 04 PWs have 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 has actively participated in a brutal attack on the complainant, in which the right leg of the complainant Surinder Singh was amputated and his left leg is damaged. Further the complainant remained admitted in hospital for 17 days and he was discharged only on 27.02.2025. Thereafter, the complainant suffered a brain stroke and he was again hospitalized and discharged on 18.03.2025 and the petitioner is involved in other cases also, however, he could not controvert the fact that the petitioner is in custody from the last 08 months and 21 days.

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 08 months and 21 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 22 prosecution witnesses, 04 PWs have 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. 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 in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Amrik Singh @ Meeka 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 subject to the following conditions:-

- i) ***The petitioner will appear before the SHO of the concerned Police Station on 1st Monday of every month at 11:00 AM.***
- ii) ***If the petitioner make an attempt to influence or contact the prosecution witnesses, then the complainant as well as the prosecution would be at liberty to seek cancellation of his bail.***
- iii) ***The petitioner shall get his mobile number registered in the learned trial Court for receiving messages through CIS and shall not change the mobile number during pendency of the case.***
- iv) ***The petitioner shall also get his mobile number registered with the concerned Police Station.***
- v) ***In case the petitioner change his residence, he shall inform the Court concerned about his new address and in case of default, the learned trial***



Court is free to cancel the bail granted to the petitioner.

11. 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

10.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No