



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

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**CRM-M-29116-2025
Date of decision: 31.07.2025**

Major Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Divya Gulati, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

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.0135 dated 16.11.2024 registered under Sections 118(1), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') (Section 118(2) of BNS, 2023 added later on) at Police Station Bhindi Saidan, District Amritsar (Rural).

2. As per the prosecution version, the FIR (supra) has been registered on the statement of complainant Onkar Singh on the allegations that on 13.11.2024 his younger brother Baga Singh had some scuffle with Major Singh due to some previous enmity and in this context his mother Ajit Kaur had gone to their house on 14.11.2024 to complain and while she was coming back, complainant was also coming behind her and he saw that Major Singh armed with datar along with



others armed with weapons had encircled his mother Ajit Kaur and they started giving random blows of weapons to her which hit her on her both arms and legs and other parts of the body. As per medical record of victim Ajit Kaur she has sustained 07 injuries on her person out of which injuries No.1, 2, 3 and 5 were inflicted with sharp edged weapon and thereafter injury No.1 was declared grievous in nature.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the FIR (supra) and no specific role has been attributed to him. As per the case set up by the prosecution, the petitioner along with other co-accused have inflicted injuries on the mother of the complainant. It is not discernible from the case set up by the prosecution, which of the accused have caused injury for which the offence under Section 118(2) of BNS, 2023, has been invoked and added in the FIR (supra) on 28.12.2024 and as such, it cannot be concluded with certainty that the petitioner has caused a grievous hurt. The petitioner is having clean antecedents and is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 16 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 is having previous enmity as such in view of the strong motive and the injuries suffered by mother of the complainant, the petitioner is not entitled to any relief, 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 01 day. 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, 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 Major Singh 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

31.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No