



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

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**CRM-M No.2565 of 2025
Date of decision: 23.01.2025**

Ranjot Singh @ Karan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gagandeep Singh, Advocate
for Mr. Shvetanshu Goel, Advocate
for the petitioner.

Mr. Sandeep Kumar, 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.123 dated 24.11.2023 registered under Sections 457, 380, 379-B(2), 506 read with Section 34 IPC at Police Station Shimlapuri, Ludhiana, District Ludhiana.

2. The brief facts of the case are that on 23.11.2023, the petitioner along with the co-accused had put the complainant Manish Kumar under fear of hurt by showing him 'daat' at his shop and had snatched his wallet and cash lying in the shop. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that 03 persons named as assailants by the complainant in the FIR (supra) and out of 03 co-accused namely Amit Kumar @ Deepu Bedi was



granted the concession of anticipatory bail by this Court on 24.05.2024 in CRM-M No.13620 of 2024 and the another co-accused namely Amarjit Singh @ Sahil was granted the concession of regular bail by this Court on 28.05.2024 passed in CRM-M No.26073 of 2024 (Annexure P-4). He further submits that the complainant has also effected compromise with one of the co-accused.

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 24.11.2023 and there are total 10 prosecution witnesses cited in the list of witnesses, out of which, none 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 and opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and he is involved in 02 more cases and recovery of stolen articles along with weapon of offence, has been effected from the petitioner, however, he could not controvert the fact that out of 10 PWs, not even a single witness of the prosecution has been examined so far.

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 01 year, 01 month and 26 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 10 prosecution witnesses, none has been examined till date.

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 Ranjot Singh @ Karan 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.

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

23.01.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No