

**CRM-M-23015-2025 (O&M)****1****223****IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH****CRM-M-23015-2025 (O&M)****Date of Decision: 06.05.2025****GURLAL SINGH****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Karan Puggal and Mr. Raghav Puggal, Advocates  
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

**\*\*\*****Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 10 dated 15.01.2025 registered under Sections 115(2), 118(1) of Bhartiya Nyaya Sanhita, 2023 (Section 118(2) of BNS added later on) at Police Station Sadar Tarn Taran, District Tarn Taran.

2. The present FIR is a cross version to DDR no.54 dated 14.02.2025 which was registered on the statement of Gurlal Singh son of Bohar Singh (accused-petitioner in FIR). The present FIR was registered on the statement of Gurbhej Singh on the allegations that on 14.01.2025, at about 2:00 P.M., complainant's cousin, Gurlal Singh (petitioner herein) and his friend Dilbagh Singh turned up in front of the house of the complainant in Indica Vista car bearing registration no. PB-46-Q-7303 and started swearing expletives. The complainant objected upon which Gurlal Singh and Dilbagh Singh took out swords from their car. Petitioner-Gurlal Singh inflicted a sword blow upon the complainant which almost completely sliced the fingers of his left hand. He raised an alarm upon which his cousin, Gurjant Singh, intervened and Dilbagh

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Singh gave a sword blow upon Gurjant Singh which struck him above his left ear and he immediately slumped on the ground. Petitioner gave another blow upon him which struck him on his left arm. The complainant raised an alarm upon which the assailants fled away.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and it is a case of version and cross-version. The petitioner is behind the bars since 13.02.2025 and none of the injuries attributed to the petitioner, which are suffered by the injured, is on the vital part and injury on the head is specifically attributed to the co-accused Dilbagh Singh and it would be a moot point to be determined by the trial Court as to which party was the aggressor.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that petitioner is specifically named in the FIR and he has given 02 blows i.e. one on the finger of the hand and another on the left arm of the injured. However, he could not controvert the fact that investigation of the case is complete and the petitioner is not involved in any other case.

5. 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 02 months and 18 days as on 05.05.2025 and trial of the case is yet to commence as charges have not yet been framed and investigation of the case is complete. Thus, conclusion of trial will take considerable long time.

6. 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:



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*“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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Gurlal 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**

**06.05.2025**

Ajay Goswami

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No