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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30537-2025 (O&M)

Date of Decision: 03.07.2025

PRABHDEEP SINGH @ PAPPA

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No. 142 dated 30.12.2024 registered under Sections 309(4), 3(5) of Bhartiya Nyaya Sanhita, 2023 at Police Station Ramdas District Amritsar Rural.

2. FIR(supra) was registered on the statement of Ravi Sharma who stated that he was working as salesman at Randhawa Filling Station, Bus Stand (Adda) Dayal Bharang, District Amritsar. On 29.12.2024, he was going to the petrol pump from Bus Stand (Adda) while walking. The time would be around 6.45 PM, when, he reached near the petrol pump, then a black Hero Splendor motorcycle whereupon three youngsters were travelling came from behind and stopped near him and the motorcyclists suddenly stepped down from the motorcycle and encircled him. One of them pulled out a sharp edged knife like weapon from his waist (Dubb) and started to attack upon the complainant. When the complainant raised his right hand for his rescue, then the blow of knife hit on



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the back of his right hand and one out of the other two, caught hold of him and the third one forcefully taken away a Redmi-98 phone from his left pocket of pant worn by him and Rs. 1000/-being 2 Indian Currency notes in the denomination of Rs.500-500 from his pocket and the trio went back towards Bus Stand (Adda) Dayal Bharang while travelling on the motorcycle. While searching for the assailants complainant came to know that the assailants who executed the crime were, namely, Gurpreet Singh alias Gopi, Gurnam Singh alias Gama and Prabhdeep Singh alias Pappa (petitioner herein). On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the instant case and no specific role has been attributed to the petitioner initially. Thereafter, on the statement made by highly interested witness, with whom the petitioner was having a prior dispute, case against the petitioner was improved. The petitioner is having clean antecedents and he is not involved in any other case. He has suffered incarceration of 06 months and investigation of the case is complete and trial of the case is likely to take long time to conclude.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established and as such, he is not entitled to any relief by this Court, keeping in view the seriousness of the offences allegedly committed by him. However, he could not controvert the fact that petitioner is not involved in any other case and out of total 10 prosecution witnesses, none has been examined till date.



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5. 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."

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 06 months as on 02.07.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 10 prosecution witnesses, none has been examined till date. No useful purpose shall be served by further detention of the accused/petitioner.

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Prabdeep Singh @ Pappa 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.



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8. 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

03.07.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No