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

**CRM-M-38807-2025 (O&M)
Date of decision: 28.07.2025**

Amandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case bearing FIR No.158 dated 05.04.2024 under Sections 379-B, 452, 34 of the Indian Penal Code, 1860 (for short 'IPC') and Section 411 of IPC (added later on), registered at Police Station City Barnala, District Barnala.

2. The first petition i.e. CRM-M-47311-2024 filed by the petitioner seeking same relief was dismissed as not pressed vide order dated 11.11.2024. Instant second petition has been filed in view of the changed circumstances, as



similarly situated co-accused Gurpreet Singh @ Gopi has been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 10.07.2025 passed in CRM-M-32995-2025 (Annexure P-2).

3. The present FIR was registered on the statement made by complainant Jeewan Kumar on the allegations that he is running a spare part shop near Jore Pump, Barnala and as per routine, he came to his shop at 06.00 a.m. and was cleaning it. At about 06.15 a.m., two persons in an Alto car came to his shop, out of them, one person demanded belt for the vehicle and on being told that he is not having the belt as asked, second person came out of the car and shut down shutter of his shop and he, by showing revolver, demanded money whatever he had, otherwise he would kill him. The complainant caught hold the person, who was empty handed and the person, who was having revolver, took Rs.5,000-6,000/- from the counter and ran away from the spot. Thereafter, he tried to remove the sticker from the number plate of the vehicle in order to know the registration number, however, the accused tried to run over the car upon him. Only PB-29 could be seen by the complainant. Hence, the FIR (*supra*)

4. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the FIR (*supra*), which is evident from the fact that both the material witnesses i.e. the complainant and his son have failed to identify the petitioner as one of the assailants. As such, they



have been declared hostile by learned Public Prosecutor. Further, there is no legal evidence to prove complicity of the petitioner. It is further submitted that the petitioner is behind bars since 11.04.2024 and his further incarceration would not serve any purpose.

5. *Per contra*, learned State counsel has produced the custody certificate dated 27.07.2025 of the petitioner in the Court today, which is taken on record. He opposes the prayer for grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established. He is habitual offender and is involved in 11 other cases. However, he could not controvert the fact that similarly situated co-accused of the petitioner has already been enlarged on regular bail by the Coordinate Bench of this Court.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind bars since 11.04.2024 and the trial of the case has not even reached halfway mark, as only 02 out of total 13 prosecution witnesses have been examined so far. The culpability, if any, would be determined at the time of trial. 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.

7. A two Judge Bench of the 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 as under: -

“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. In view of the ratio of law laid down by Hon’ble Supreme Court in ***Prabhakar Tiwari Vs. State of UP and anr., 2020(1) RCR (Criminal) 831*** and ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and others, 2012(2) SCC 382***, the involvement of an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

9. In view of the above, present petition is allowed. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, petitioner Amandeep Singh is ordered to be released on regular bail during trial on his furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court concerned.



10. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall proceed without being prejudiced by the observations of this Court.

28.07.2025
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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No