



3. Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the present case. The Investigating Agency has already completed the investigation and presented the final report. Thereafter, the father and mother of the deceased were examined as PW-1 and PW-2 by the learned trial Court. Learned counsel further refers to their depositions and submits that the material prosecution witnesses have not supported the case of the prosecution and they have been declared hostile and they have clearly stated that the victim has committed suicide as she wanted to marry to someone else of her own choice. Furthermore, similarly situated co-accused namely, Manjinder Kaur, has already been granted the concession of regular bail vide order dated 26.11.2024 by this Court in case bearing CRM-M No.37449 of 2024.

4. Learned State counsel has filed custody certificate of petitioner No.1 in the Court today, which is taken on record and *per contra*, opposes the grant of regular bail to the petitioners on the ground that there are serious and specific allegations and the deceased died under suspicious circumstances within four months of her marriage in her matrimonial home, as such, it is incumbent upon the petitioners to explain the circumstances under which she has died.

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 petitioners are behind the bars since 28.03.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as only 03 out of 27 prosecution witnesses have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

7. In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners-Mandeep Singh and Iqbal Singh are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

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

December 17, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |