

**CRM-M-188-2025 (O&M)****-1-****215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-188-2025 (O&M)
Date of Decision: 14.01.2025****ANKUSH DOGRA****...Petitioner****V/S****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. Baljinder Singh Sra, Advocate
for the petitioner.****Ms. Geeta Sharma, DAG Haryana.************HARPREET SINGH BRAR J. (Oral)**

1. This is the first petition filed under Section 483 of BNSS seeking grant of regular bail to the petitioner in case bearing FIR No. 200 dated 29.07.2024 registered under Sections 109(1), 115, 3(5), 351(2) of BNS 2023 registered at Police Station Farrukh Nagar, Gurugram.

2. Brief facts of the case of the prosecution case are that on 29.7.2024, a telephonic information was received regarding Amit being admitted in hospital. Investigating Officer reached hospital and received MLC alongwith medical ruqqa. Doctor opined that there were severe head injuries which were dangerous to life. Patient was on ventilator, thus he was unfit to give statement. Subsequently medical ruqqa of Vinod was also received. When IO approached him, his MLC showed four injuries. He was contacted. Vinod gave a written application to the effect that on 29.7.2024 some of boys in his village were proceeding for Dak Kavar. He alongwith Amit had gone to bus-stand to see them. Around 10.45 PM, when he

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alongwith Amit had reached near the house of Surender, a Bolero car came from behind and hit Amit with intention to kill him. Amit fell down on the ground, Parveen son of Meer Singh, Meer Singh alongwith 4-5 other boys came out of the bolero car. Parveen had an iron rod, Meer Singh and others had steel pipes in their hands. They gave beatings to Amit. When he tried to save Amit, said Parveen, Meer Singh and other 4-5 boys gave him beatings while leaving, they threatened to kill them. Registration number of Bolero vehicle is HR-76F-0796, which was driven by Parveen. Family members of Amit took him to the hospital.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and he was not named in the FIR(supra) and he has been nominated as accused only on the basis of disclosure statement of co-accused while in police custody, which has no evidentiary value in the eyes of law. Further, the injury which has been declared as dangerous to life has been specifically attributed to co-accused Parveen and the allegation against the petitioner is only of catching hold and the investigation of the case is complete and petitioner is behind the bars since 31.07.2024. Petitioner is having clean antecedents and not involved in any other case.

4. Per contra, learned State counsel filed the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that petitioner has played active role in the alleged incident and there is sufficient material available on record to prove his complicity. However, she could not controvert the fact that petitioner is



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not involved in any other case.

5. Having heard the learned counsel for the parties and after perusing the custody certificate, it transpires that petitioner is behind the bars for 05 months and 13 days as on 13.01.2025 and trial of the case shall take considerable long time to conclude. Culpability, if any, would be determined at the time of the trial.

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. In view of the above, the present petition is allowed and the petitioner-Ankush Dogra is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

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7. 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.

14.01.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*