



CRM-M-382-2025 (O&M)

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102(2)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-382-2025 (O&M)

Date of Decision: 04.07.2025

ANUJ

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Aggarwal, 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 Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No. 526 dated 17.10.2024 registered under Sections 111(2)(b), 310(4), 310(5) of Bhartiya Nyaya Sanhita, 2023 (hereinafter to be referred as 'BNS'), Section 25(b) of Arms Act (Sections 25(1-b)(a) of Arms Act, 1959 added later on) at Police Station Khedki Daula, District Gurugram.

2. Brief facts of the case of the prosecution case are that on 16.10.2024, a secret information was received that Dheeraj son of Ramesh Chander was sitting in his office in his village Nakhrola alongwith 5-7 other persons, namely, Samunder @ Rathi, Sagar, Manish, Vikas. They all are members of Ashok Rathee gang. Samunder and Sagar had threatened Mahesh Sharma, who is employee in Conscient Company and had tried to extort money but he refused. All of them were planning to commit a loot over there and snatching of dumpers. They were planning to abduct Mahesh Sharma and owner of the company. Police waited outside the above said office and P/SI Lalit Kumar heard said people sitting in the office were planning to commit said loot and abduction of Mahesh Kumar as well as owner of the company, if found at



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the spot. They had pistols and revolvers. Thus, police party entered the office. Numerous weapons were found on the table alongwith live cartridges. Total 4 pistols and one revolver, five magazine, 21+9 live rounds were recovered. Their sketch was prepared. Present case was registered. Two Mahindra Scorpio black colour were also taken into custody. Accused Dheeraj, Samunder, Sagar, Manish, Anuj and Vikas were arrested. After completion of investigation, challan was filed in the Court on 17.12.2024.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case. Initially one FIR No. 525 was registered on 16.10.2024 and no specific suspect was named in the said FIR. Petitioner has neither participated in any offence as alleged in the aforesaid FIR. Thereafter, second FIR i.e. the instant FIR bearing No. 526 was registered on 17.10.2024 on the allegations that petitioner and others were making preparations for abducting the complainant in the earlier FIR, which led to their arrest. It is further contended that there is no substantial evidence to connect the petitioner with the alleged crime. Moreover, the complainant has retracted from his allegations in the first FIR and the said FIR stands quashed on the basis of compromise by this Court vide order dated 19.12.2024. Further, once the FIR No. 525 already stood registered on the complaint made by Mahesh Sharma, the subsequent FIR No. 526 i.e. FIR(supra), in which the petitioner has been implicated as accused, has been registered against the mandate of law as laid down by Hon'ble Supreme Court in ***P.P. Antony Vs. State of Haryana* (2001) 6 SCC 181**. Further, the petitioner is behind the bars since 17.10.2024 i.e. for more than 07 months. Although, the petitioner is involved in one more case, but he is on bail in that case.



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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 as the petitioner along with co-accused were arrested while they were making preparations for abducting the complainant. Moreover, the petitioner is also involved in one more case. As such, he is not entitled to any relief by this Court. However, he could not controvert the fact that petitioner is behind the bars since 07 months and 03 days and out of total 15 prosecution witnesses, only 02 have been examined so far.

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 07 months and 03 days. 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 15 PWs, only 02 have been examined so far. No useful purpose shall be served by further detention of the accused/petitioner.

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:

"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

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never be an impression that it is a police State as both are conceptually opposite to each other.”

7. 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 accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

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

9. 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

04.07.2025

Ajay Goswami

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No