



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 21.04.2025

1. CRM-M-1677-2025 (O&M)

Karamjit		Petitioner
	Versus	
State of Haryana		Respondent

2. CRM-M-52150-2024 (O&M)

Sunil		Petitioner
	Versus	
State of Haryana		Respondent

3. CRM-M-14123-2025 (O&M)

Rajesh @ Dada		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Kumar, Advocate
for Mr. Rahul Sidher, Advocate
for the petitioner in CRM-M-1677-2025.

Mr. Sandeep Siwach, Advocate
for Mr. Joginder Siwach, Advocate
for the petitioner in CRM-M-52150-2024.

Mr. Bikram Chaudhary, Advocate
for the petitioner in CRM-M-14123-2025.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Deepak, Advocate
for the complainant, in all the cases.



HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M Nos.1677, 14123 of 2025 and 52150 of 2024, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-52150 of 2024.

2. Prayer in all these petitions filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner(s) namely Karamjit, Sunil and Rajesh @ Dada in FIR No.324 dated 06.05.2022 registered under Sections 148, 149, 341, 307, 120-B, 201 and 212 IPC and Section 25 of the Arms Act, 1959 at Police Station City Hansi, District Hisar.

3. The brief facts of the case are that on 05.05.2022, PSI Nitin received an information that Daljeet, Amit, Deepak, and Rakesh had sustained gunshot injuries and were admitted to General Hospital, Hansi. He reached the hospital and obtained their OPD slips, and informed the FSL team. He then visited the place of occurrence, prepared the site plan, and later on obtained the medical ruqa from concerned Hospital. The doctor declared all injured fit for making the statement except Rakesh. In the statement, Daljeet Singh alias Daljeet stated that he was travelling with Amit, Deepak, Bintu and Rakesh in a Scorpio car from Prem Nagar, Bhiwani to Sisai Bolan and near Sainipura flyover, their vehicle was intercepted by two cars. From the front car, Parveen alias Bhola and Vishal armed with firearms got down, and from the rear car, 4–5 persons also alighted and they all started firing at them with the intent to kill. Daljeet was hit on the right



shoulder, left hand, and thigh, while others were also injured. They escaped and took shelter in the Grain Market Police Post. The attack was allegedly carried out at the instance of Sunil, Rishabh alias Chotu, and Krishan. Thereafter, the impugned FIR was registered.

4. Learned counsel for the petitioner – Rajesh *inter alia* contends that admittedly the petitioner was confined in jail at the time of alleged incident and he has been nominated as an accused with the aid of Section 120-B IPC. The case set up by the prosecution against the petitioner is bereft of any evidence and as per the disclosure statement made by co-accused Vicky, the petitioner has provided money for arranging the assailants, however, it is highly improbable that the petitioner who is lodged in judicial custody could arrange the money. Further no evidence has been brought on record to prove that the petitioner was in touch with co-accused Vicky.

5. Learned counsel for the petitioner – Sunil submits that the allegations against the petitioner – Sunil are also similar that he was the conspirator on whose behest the complainant and other witnesses were given injuries. He has no connection with the other co-accused namely Rajesh.

6. Learned counsel for the petitioner – Karamjit Singh submits that he is also not named in the FIR (supra) and there is nothing available on record to suggest that the petitioner was present at the time of alleged incident and his case is similarly situated with co-accused Rajesh and Sunil. Further, it is submitted that all the petitioner(s) have suffered incarceration of more than 02 years except the petitioner –



Rajesh, who is undergoing the sentence in a case in which he stands convicted and admittedly, none of the injuries suffered by the complainant or the injured have been attributed to the petitioner(s). Furthermore, one of the eye-witness namely Bantu had appeared as PW-2 before the learned trial Court and he has neither identified the petitioner(s) nor attributed any overt act and the learned Public Prosecutor has declared him hostile.

7. Learned counsel for the petitioner(s) further submits that there are total 36 prosecution witnesses cited in the list of witnesses, out of which, 04 PWs have been examined till date and the trial is likely to take long time in conclusion.

8. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has filed custody certificates (in all the petitions) and status report by way of affidavit of Ravinder Sangwan, Deputy Superintendent of Police, Hansi (in CRM-M-52150-2024 and CRM-M-14123-2025), today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner(s) on the ground that the antecedents of petitioner(s) are such that they do not deserve the concession of regular bail and their complicity is duly proved in the alleged incident in which the complainant along with 03 other persons suffered gunshot injuries, however, he could not controvert the fact that the injuries which were declared dangerous to life invoking the provisions of Section 307 IPC are not attributed to any of the petitioner(s).



9. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner(s) are behind the bars from the last more than 02 years. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 36 prosecution witnesses, 04 PWs have been examined so far.

10. A two Judge Bench of 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:

"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."

11. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner(s)-accused. Keeping the petitioner(s) 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.

12. Further keeping in view the law laid down by the Hon’ble Supreme Court of India in “*Prabhakar Tewari vs. State of U.P. and another*” 2020 (1) R.C.R. (Criminal 831) and “*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

13. In view the discussion above, the present petitions are allowed. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Karamjit, Sunil and Rajesh @ Dada are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/trial Court/Duty Magistrate.

14. 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.

15. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

21.04.2025

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No