



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

**219**

**CRM-M-3682-2025 (O&M)**

**Date of decision: 01.05.2025**

Sukhchain Singh

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Munish Kamboj, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.72 dated 08.04.2018 registered under Sections 13(1), 3 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (Sections 420, 473, 429 IPC and Sections 5, 6, 17, 11 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 added later on) at Police Station Sadar Sirsa, District Sirsa.

2. As per the prosecution case, on 08.04.2018, Vinod Kumar, along with Gurdeep and Rahul, was traveling from Kalanwali to Sirsa in a Bolero vehicle when they reached near village Khaireka on NH9, they heard noises of animals from a truck container bearing registration No.PB11-CB-6685. On the basis of suspicion, they intercepted the said truck near Hanuman Temple bypass and found 15–16 cows and bulls inside it. The truck driver disclosed his name as Mohammad Qurban from Muzaffarnagar, UP, and the conductor disclosed his name as



Sukhchain Singh from Faridkot, Punjab, and they admitted that they were transporting the cattle from Punjab to Uttar Pradesh for sale. Vinod Kumar informed the police control room, and thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. After completion of the investigation, the final report was presented on 18.07.2018 and thereafter, the petitioner had applied for regular bail and he was released on bail by learned trial Court vide order dated 21.09.2018 (Annexure P-2). Thereafter, on account of the COVID-19 pandemic, the petitioner could not contact his counsel to get the exact information regarding the next date of hearing, fixed before the learned trial Court and after the resumption of Court work, the case was listed on 07.10.2021, however, the petitioner could not appear before the learned trial Court and his bail was cancelled and bail/surety bonds were forfeited to the State vide order dated 07.10.2021 (Annexure P-3). Thereafter, the petitioner himself surrendered before the learned Additional Chief Judicial Magistrate, Sirsa as discernible from the order dated 16.09.2024 (Annexure P-4). Further the FIR (supra) was registered in the year 2018 and till date, even the charges have not been framed. Moreover, the petitioner is not involved in any other case and has suffered the incarceration of more than 08 months and the trial is likely to take long time in conclusion.



4. *Per contra*, learned State counsel has filed custody certificate and status report by way of affidavit of Adarshdeep Singh, Deputy Superintendent of Police, Sirsa, today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that there is sufficient material available on record to prove the complicity of the petitioner, however, he could not controvert the fact that the petitioner is not involved in any other case.

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 more than 08 months. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not made much progress.

6. 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.”*

7. 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-accused. 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.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sukhchain Singh 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**

**01.05.2025**

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