

**CRM-M-6262-2025 (O&M)****1****221 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-6262-2025 (O&M)
Date of Decision: 06.05.2025****SAHIL****...PETITIONER****Versus****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. L.K. Yadav, Advocates
for the petitioner.****Mr. Vikas Bhardwaj, AAG Haryana.***********Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 261 dated 09.09.2022 registered under Sections 364-A, 34, 506 of Indian Penal Code and Section 25 of Arms Act 1959 at Police Station Civil Line, Jind District Jind.

2. The FIR(supra) was registered on the statement of complainant Pardeep, who stated that he absented himself in a case under Section 379-A IPC in Sessions Court, Jind due to which Court had issued warrant of arrest against him. Police after apprehending him, produced him in the court on 16.7.2022. He was sent to Jail. On 01.09.2022, he came to know that he was granted bail. After getting bail, he came out from jail at about 7.30 PM. He searched for his brother Parveen, but could not find him. Amit alias Mitu son of Rajpal resident of village Shamlo Kalan, Vicky son of Jagmender resident of village Baroda District Sonapat and Sahil son of Surender resident of Baroda, District Sonapat came there. They told him that they got him released on bail and surrounded him. All three put him forcibly in white colour Scorpio vehicle standing outside the jail and after abducting him, Amit alias Mitu along with his associates

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confined him in a house near pond outside village Shamlo Kalan. Amit alias Mitu, Vick and Sahil tortured him and gave beatings to him. They pressurized him to transfer his land in their name and threatened to kill him. On 03.09.2022, all three brought him at Old Court near Rani Talab, Jind and put him in a white Scorpio. There also, they gave beatings to him in the vehicle. After pointing a revolver on his head, they threatened to kill him and his brother Parveen and mother. He got scared. They forcibly got his signatures on stamp paper and also got clicked his photograph by making him to forcibly stand with Vicky and Sahil at Old Court. Thereafter, they brought him at village Shamlo Kalan by putting him in a vehicle. On 04.09.2022, Amit kept him confined at his house. On 05.09.2022, Amit alias Mitu, Vicky and Sahil came to Jind along with him for getting transferred his land, however, he ran away by dodging them and saved his life. He stated that he had not sold his land nor received even a single rupee. Amit alias Mitu, Vicky and Sahil were persons of criminal nature and many cases of attempt to commit murder and kidnapping have been registered against them. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and he is behind the bars since 14.06.2024. Complainant Pardeep and his brother-Parveen has been examined as PW-1 and PW-2 respectively before the learned trial Court and both of them have not supported the case of the prosecution. Co-accused Vicky and Amit @ Mitu have been acquitted by the learned trial Court vide judgment dated 04.03.2025, which is placed on record as Annexure A-1 and the case set up by the prosecution is highly improbable and too far fetched.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by



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the petitioner on the ground that complicity of the petitioner is duly established during investigation and he has been specifically named in the FIR(supra). Moreover, he is also involved in 04 more cases. As such, he is not entitled to any relief by this Court.

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 10 months and 21 days as on 04.05.2025 and out of total 18 PWs, only 04 have been examined so far. Thus, conclusion of trial will take considerable long time.

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 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.

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8. 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.

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

10. 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

06.05.2025*Ajay Goswami**Whether speaking/reasoned*
*Whether reportable**Yes/No*
Yes/No