



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

213

CRM-M No.5613 of 2025

Date of decision: 05.02.2025

Imran

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

**Present:** Mr. Namit Khurana, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.163 dated 24.06.2024 registered under Sections 395, 412, 120-B, 201 IPC and Section 25 of the Arms Act, at Police Station Chhachhrauli, District Yamuna Nagar.

2. The case set up in the FIR (supra) (as set out by the petitioner in the present petition) is as follows:-

*“The summary of the case is as follows, that on 24.06.2024, the complainant Ashok Kumar son of Shri Rajeshwar Prasad, House No.5/99, Mohalla Kanhaiya Lal Chhachhraull, District Yamunanagar, came to the police station Chhachhrauli and presented an application which is under. To the Police Station House Officer Chhachhrauli, request that I, Ashok Kumar son of Shri Rajeshwar Prasad, resident of House No.5/99, Mohalla Kanhaiya Lal Chhachhrauli, District Yamunanagar. I have*

2025:PHHC:016729



*a plywood factory in the name of Shri Vaishnavi Products in Village Hadauli, which we set up in the year 2019. Our factory has been closed for about 18 months. We have kept two watchmen there, out of which one is Rajesh Kumar son of Shri Chhagelal, resident of Village Nagalakhuru, District Farrukhabad, Uttar Pradesh and another namely Jaikumar son of Shri Roshan Lal, resident of Hadauli, District Yamunanagar. On 24-06-2024, around 5:00 AM, I received a call informing me about a theft in the factory. After which I reached the spot and found both the watchmen there. They told me that around 12 in the night, 5 unknown youths entered the factory from the back door. They might have more accomplices behind them. They tore our clothes and held us hostage with those clothes. Then they opened the transformer at the back and took away copper coils and all the valuables from inside it. While leaving, they broke the lock of the office and took away the DVR of the camera. Hence, I request you to recover our belongings and take strict action against the accused. SD Ashok Kumar Ashok Kumar XXXXXX..... Police proceedings.”*

3. Learned counsel for the petitioner *inter alia* contends that as per the case set up by the prosecution, the co-accused Ravi Kumar @ Ravi @ Nannu, had committed the alleged crime and the allegation against the petitioner is that he has facilitated the other accused in disposal of the stolen articles and the aforementioned co-accused namely Ravi Kumar @ Ravi @ Nannu, has already been granted the concession of regular bail by this Court on 13.01.2025 passed in CRM-M No.65317 of 2024. Learned counsel for the petitioner further

2025:PHHC:016729



submits that the case of the petitioner is at better footing than the aforementioned co-accused – Ravi Kumar @ Ravi @ Nannu, who has committed the theft.

4. Learned counsel for the petitioner further submits that the investigation is complete and challan stands presented on 16.10.2024 and there are total 24 prosecution witnesses cited in the list of witnesses, out of which, none has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is a resident of Uttar Pradesh and is habitual offender, involved in 03 more FIRs, however, he could not controvert the fact that the co-accused of the petitioner – Ravi Kumar @ Ravi @ Nannu has already been granted the concession of regular bail, who was also said to be involved in other FIRs.

6. 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 04 months and 25 days. 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 24 prosecution witnesses, no PW has been examined so far.

2025:PHHC:016729



7. 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."*

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. 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***

2025:PHHC:016729



*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.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Imran is ordered to be released on regular bail during pendency of the trial, on his/her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. 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

05.02.2025  
*yakub*

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