



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-7679-2025 (O&M)
Date of decision: 15.07.2025

Parveen
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Baljinder Singh Sra, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Deepanshu Matya, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

CRM-26037-2025

Prayer in the instant application filed under Section 528 of
BNSS, 2023 is for placing on record the statement of PW-2 as Annexure
P-3.

Allowed as prayed for subject to all just exceptions.

CRM-M-7679-2025 (O&M)

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.200 dated
29.07.2024 registered under Sections 109(1), 115, 3(5), 351(2) of the
Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station
Farrukh Nagar, Gurugram District Gurugram.



2. As per the case of the prosecution, on 29.07.2024, a telephonic information was received in the Police Station about one Amit being admitted to the hospital with severe head injuries, which were declared dangerous to life, and he was placed on a ventilator, making him unfit to give a statement. Vinod, who was also injured with four injuries, stated that on the same night, Amit and he went to see some boys from their village, and near Surender's house, a Bolero car driven by Parveen struck Amit with intent to kill. Parveen, Meer Singh and others emerged from the vehicle armed with iron rods and steel pipes, and started beating Amit and Vinod and further threatened them. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The complainant as well as the injured have suffered the injuries in a car accident. Further, as per the case set up by the prosecution, Amit has received a solitary injury with a blunt weapon and as such, it would be a moot point to be decided by the learned trial Court, during the course of trial, whether the offence under Section 307 IPC, is made out or not. Learned counsel for the petitioner has relied upon the testimony of PW-2 Vinod, who is complainant as well as one of the injured and submits that Vinod has categorically stated that they suffered the injuries when all of a sudden a car came from behind and hit him and other injured namely Amit. Thereafter, learned APP has declared the



complainant hostile as he has not supported the case, set up by the prosecution.

4. Learned counsel for the petitioner further submits that there are total 22 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.

5. *Per contra*, learned State counsel has filed custody certificate and status report by way of affidavit of Sukhbir Singh, Assistant Commissioner of Police, Pataudi, Gurugram, today in the Court which are taken on record and he assisted by learned counsel for the complainant, opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and a specific allegation has been levelled against him on the basis of medical opinion rendered by the doctor, which are available on record as Annexures R-2 and R-3, respectively and the petitioner is involved in one more case, as such, the petitioner is not entitled for any relief, however, learned State counsel could not controvert the fact that the petitioner is on bail in another case.

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 11 months and 12 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 22 prosecution witnesses, 04 PWs have been examined so far.

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 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 of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Parveen 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.

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

15.07.2025
yakub

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