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

CRM-M-8895-2025

Date of decision: 07.04.2025

Sahil

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.475 dated 26.05.2024 under Sections 147/149/323/506 of IPC (Sections 326/307/201/34 of IPC added later on and Sections 147/149 of IPC deleted later on) registered at Police Station Sector 58, Faridabad.

Summarily, the facts of the case are that the son of the complainant was called by the accused/petitioner near cremation ground of village where his cousin brother, namely, Faizal and Shahrukh, along with other unknown accused were present. When son of the complainant reached there, the accused/petitioner gave a blow of ice breaker needle in his chest and back. Thereafter, accused-Shahrukh gave a blow of *sua* in his leg and stomach while accused-Faizal and other unknown accused assaulted him with fist and leg blows and when the complainant reached there, all the accused persons fled away and thus, the FIR (*supra*) was registered.

Learned counsel for the petitioner *inter alia* contends that the



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petitioner has been falsely implicated in the present case and co-accused, namely, Shahrukh, who is alleged to have inflicted injuries in the abdomen of the son of the complainant, has been declared innocent by the Investigating Officer which clearly dents the case set up by the prosecution. Further, the doctor who initially treated and examined the son of the complainant opined that the injuries were caused by a blunt weapon. However, subsequent to this, a medical Board was constituted and injury No.1, which was attributed to the petitioner, was classified as dangerous to life. Moreover, there is a clear disparity between the ocular version and the medical records. Specifically, the medical Board has concluded that the injury located on the right side of the upper back is dangerous to life.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground of heinousness of the offence and seriousness of the crime.

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."

Having heard learned counsel for the parties and after perusing the

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record of the case, it transpires that the petitioner is behind the bars since 19.07.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 19 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Sahil is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

07.04.2025*Neha*

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