



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-8422-2025 (O&M)
Date of decision: 19.02.2025

Sagar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this 2nd petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No.147 dated 12.04.2024 registered under Sections 302, 323, 449, 506, 120-B IPC (Section 201 IPC and Section 25 of the Arms Act, 1959, added later on) at Police Station Gannaur, District Sonapat. The earlier petition i.e. CRM-M No.45290 of 2024, filed by the petitioner seeking interim bail has been allowed by this Court on 19.09.2024.

2. The brief facts of the case are that Ramratti, wife of Sultan from Gandhi Nagar, Gannaur, reported an incident that occurred on 12.04.2024, at around 8:30 am that while she was sitting with her son Rakesh and Rohit along with her brother Balwan, Monu entered the house and used abusive language, and threatened to kill them if they demanded a SIM card again. Ramratti saw two boys, Sagar and Ankush,



standing outside the house on a motorcycle. She confronted Monu for his abusive language, but he pushed her, causing her to fall. When Rohit tried to stop him, Monu attacked him with a concealed knife, stabbing him in the abdomen. Sagar and Ankush shouted from outside, encouraging Monu to kill Rohit. Monu then continued to stab Rohit in the arms, chest, and abdomen. The noise drew neighbors to the scene, but Monu, along with Sagar and Ankush, fled away from the spot on the motorcycle. Ramratti and her family rushed Rohit to the Government Hospital in Gannaur, where the doctor found his condition critical and referred him to BPS, Khanpur. Rohit passed away on the way. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that as per the case set up by the prosecution, the main accused is Monu, who gave fatal injuries to the deceased, son of the complainant namely Rohit and the petitioner is not accused of causing any injury and he has been accused of exhorting Monu to murder the son of the complainant. A perusal of the FIR further reveals that before the petitioner exhorted Monu, he had already inflicted a knife blow in the abdomen of the son of the complainant and it would be a moot point to be decided during the course of trial, whether the petitioner can be held liable for the offence punishable under Section 302 IPC with the aid of Section 120-B IPC. He further submits that there is a delay in registration of the FIR and the petitioner has no concern with the alleged incident and he has



been falsely implicated and he is not involved in any other case and is in custody since 12.04.2024.

4. Learned counsel for the petitioner further submits that there are total 20 prosecution witnesses cited in the list of witnesses, out of which, no PW 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 opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was present at the spot at the time of alleged incident and he has instigated the main accused in committing the murder of the son of the complainant and as such, there is sufficient material to prove his complicity, however, he could not controvert the fact that the petitioner is not involved in any other case and he is behind the bars since 12.04.2024.

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 09 months and 24 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 20 prosecution witnesses, no PW has 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. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sagar 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

19.02.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No