



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-9546-2025 (O&M)
Date of decision: 24.02.2025

Priyanshu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Baljeet Nain, Advocate
for the petitioner.

Mr. S.K. Panwar, Addl. A.G., Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023 (erstwhile Section 439 Cr.P.C.), is for grant of regular bail to the petitioner in FIR No.747 dated 06.11.2023 registered under Sections 148, 149, 324, 367, 506 IPC (Sections 341 and 395 IPC added later on) at Police Station Sirsa City, District Sirsa.

2. As per the allegations in the FIR, on 06.11.2023, Rajneesh @ Ravi, a 12th class student along with his mother Mamta, filed a complaint at Police Post Sabji Mandi, in which Rajneesh reported that while riding his scooty bearing registration No.HR-24AF-6449 to school with friends Jatin and Gopal, they were confronted by four boys namely Priyanshu (petitioner), Gaurav, Shubham @ Suba, and Kaku, who stopped them on their motorcycle. The assailants physically assaulted Jatin and Gopal before forcibly taking Rajneesh to a secluded



area. During the attack, Kaku and Gaurav were armed with a Kapa, while Shubham had a Danda. Rajneesh was injured when Gaurav cut his right hand, and Priyanshu struck him with the Kapa. The assailants continued to beat Rajneesh, despite his pleas for mercy, and threatened his life before leaving the spot with their weapons on two motorcycles. The motive for the attack was reportedly retaliation for a previous incident where friends of Rajneesh had beaten Priyanshu. Following this account, the FIR (supra) was registered based on Rajneesh's complaint.

3. Learned counsel for the petitioner *inter alia* contends that the injury attributed to the petitioner is simple in nature and the co-accused of the petitioner namely Partik Pandit @ Parteek Gautam has already been granted the concession of regular bail by this Court on 22.01.2025 passed in CRM-M No.58654 of 2024 and the implication of the petitioner in the present case is as a counter-blast to the case already got registered by the petitioner against the close friends of the complainant. The prosecution's case is implausible, as it claims that four assailants arrived on a motorcycle, forcibly made the complainant sit on it, and abducted him. It is not feasible for five people to ride on a single motorcycle, and the factual elements required to establish an offence under Section 395 IPC are clearly not present.

4. Learned counsel for the petitioner further submits that there are total 20 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 specific role and injury has been attributed to the petitioner and further the involvement of the petitioner has been duly established during the investigation and he is a habitual offender, involved in 06 more cases, however, he could not controvert the fact that the petitioner is in custody from the last 01 year, 03 months and 04 days and out of 20 PWs, none has been examined so far.

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 last 01 year, 03 months and 04 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, none 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. 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 the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Priyanshu, is ordered to be released on regular bail during pendency of the trial, on his 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

24.02.2025
yakub

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