



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
225

CRM-M-9572-2025 (O&M)
Date of decision: 15.07.2025

Dharambir

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

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.441 dated 08.10.2023 registered under Sections 419, 420, 467, 468, 471, 120-B and 201 IPC at Police Station Meham, District Rohtak.
2. As per the case of the prosecution, Dharambir (petitioner herein), in criminal conspiracy with others, falsely identified a person namely Karambir as surety in Court proceedings for accused Istegar. The actual person namely Karambir denied ever furnishing the surety bonds, while an imposter stood surety in his name on 26.04.2018. Based on this fact, a complaint was filed leading to registration of FIR (supra).
3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The petitioner has acted under a *bona fide* belief after checking the identity



proof produced by the surety and he has identified the surety after due diligence. The petitioner is not the beneficiary of the alleged offence and he is behind the bars since 15.07.2024.

4. Learned counsel for the petitioner further submits that the FIR (supra) is triable by the Court of Magistrate and there are total 31 prosecution witnesses cited in the list of witnesses, out of which, 08 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 Sandeep Kumar, Deputy Superintendent of Police, Meham, District Rohtak, today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner being the Numberdar of the village was well aware about the identity of the surety and, therefore, his complicity is duly established and the petitioner is facing trial in two more cases, as such the petitioner is not entitled for any relief, however, he could not controvert the fact that the petitioner is in custody from the last 01 year and 01 day.

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 01 year and 01 day. 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 31 prosecution witnesses, 08 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 Dharambir 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