



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-9524-2025 (O&M)

Date of decision: 24.02.2025

Mohit Dhiman

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arun Chander Sharma, 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, is for grant of regular bail to the petitioner in FIR No.163 dated 24.06.2024 registered under Section 25 of the Arms Act, 1959 and Sections 120-B, 201, 395, 412 IPC at Police Station Chhachhrauli, District Yamuna Nagar.

2. The case set up in the FIR (supra) (as set out by the petitioner in the present petition) is as follows:-

“The summary of the case is as follows, that on 24.06.2024, the complainant Ashok Kumar son of Shri Rajeshwar Prasad, House No.5/99, Mohalla Kanhaiya Lal Chhachhrauli, District Yamunanagar, came to the police station Chhachhrauli and presented an application which is under. To the Police Station House Officer Chhachhrauli, request that I, Ashok Kumar son of Shri Rajeshwar Prasad, resident of House No.5/99, Mohalla Kanhaiya Lal Chhachhrauli, District Yamunanagar. I have a plywood factory in the name of Shri Vaishnavi Products in Village Hadauli, which we set up in the year 2019. Our

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factory has been closed for about 18 months. We have kept two watchmen there, out of which one is Rajesh Kumar son of Shri Chhagelal, resident of Village Nagalakhuru, District Farrukhabad, Uttar Pradesh and another namely Jaikumar son of Shri Roshan Lal, resident of Hadauli, District Yamunanagar. On 24-06-2024, around 5:00 AM, I received a call informing me about a theft in the factory. After which I reached the spot and found both the watchmen there. They told me that around 12 in the night, 5 unknown youths entered the factory from the back door. They might have more accomplices behind them. They tore our clothes and held us hostage with those clothes. Then they opened the transformer at the back and took away copper coils and all the valuables from inside it. While leaving, they broke the lock of the office and took away the DVR of the camera. Hence, I request you to recover our belongings and take strict action against the accused. SD Ashok Kumar Ashok Kumar XXXXXX..... Police proceedings.”

3. Learned counsel for the petitioner *inter alia* contends that 05 persons have been nominated as an accused in the FIR (supra) and 03 of the co-accused namely Ravi Kumar, Imran and Mohd. Mehlood, have already been granted the concession of regular bail by this Court on 13.01.2025, 05.02.2025 and 11.02.2025, passed in CRM-M No.65317 of 2024, CRM-M No.5613 of 2025 and CRM-M No.6751 of 2025, respectively. He further submits that the petitioner is in custody since 21.08.2024 and he is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 24 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 the petitioner is a resident of Uttar Pradesh, however, he could not controvert the fact that the co-accused of the petitioner have already been granted the concession of regular bail.

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 06 months. 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 24 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. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Mohit Dhiman 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.

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

24.02.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No