



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

229

CRM-M-10801-2025 (O&M)
Date of decision: 28.04.2025

Vikram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

CRM-14267-2025

Prayer in the instant application filed under Section 528 of BNSS, 2023 is for placing on record the MLR dated 09.11.2024 as Annexure A-1.

Allowed as prayed for subject to all just exceptions.

CRM-M-10801-2025 (O&M)

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.345 dated 10.11.2024 registered under Sections 110, 115, 190, 191(3), 333 of BNS, 2023 (Sec. 118(2) B.N.S. added later on) at Police Station Sadar Mahendergarh, District Mahendergarh.

2. The brief facts of the case are that the complainant Mahesh Kumar moved an application to the effect that he is resident of village



Chitlang. He alongwith Vikram etc. have a plot in the village falling in Lal Dora and both the parties have a dispute with regard to the said plot. On 09.11.2024, in the evening, some altercation took place between both the parties, and in the night at about 08:30 pm, Rajni, Parveen, Vikram Kumar, Vikas, Gajna Devi, Mamta and other persons armed with lathi, danda, iron rod entered in his house and inflicted injuries to his father Hukam Singh, his wife Munni Devi and daughter Himanshi. They were shifted to General Hospital Mahendergarh. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner, *inter alia*, contends that it is a case of version and cross-version. Rather the complainant is the aggressor party and on the date of alleged incident, 02 persons from the side of the petitioner sustained injuries. The complainant after making due consultation and deliberation has falsely implicated the entire family of the petitioner. Further, one of the co-accused of the petitioner namely Rajni Devi, who suffered the injuries at the hands of complainant party has already been granted the concession of anticipatory bail by this Court vide order dated 04.03.2025 passed in CRM-M No.6580 of 2025. He further contends that the injuries suffered by Hukam Singh have been attributed to 03 accused persons namely Vikram (present petitioner), Parveen and Vikas. The nature and extent of injuries are grievous in nature, which at the most attract the offence under Section 325 IPC. He further submits that the investigation is complete and final report stands presented before the learned trial Court



and the petitioner is in custody since 29.11.2024 and he is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 09 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 he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has played active role in the alleged incident and he along with other co-accused are accused of causing injuries No.1 and 2 on the head of Hukam Singh and both the said injuries are declared grievous in nature, however, he could not controvert the fact that the petitioner is not involved in any other case and the co-accused of the petitioner namely Rajni Devi has already been granted the concession of anticipatory bail by this Court vide order dated 04.03.2025 passed in CRM-M-6580 of 2025.

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 04 months and 27 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 09 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 Vikram is ordered to be released on regular bail

2025:PHHC:054022



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

28.04.2025
yakub

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