



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

227

CRM-M-13242-2025 (O&M)

Date of decision: 17.03.2025

Harshdeep @ Aman

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sahil Chaudhary, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 read with Section 528 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.469 dated 12.07.2022 registered under Sections 307, 427, 120-B, 420, 473 and 34 IPC and Section 25/54/59 of the Arms Act, at Police Station Ladwa, District Kurukshetra.

2. As per the allegations in the FIR, on 12.07.2022 at about 12:30 PM, Sunil Kamboj, the Centre Head at Chetan Career Consultant in Ladwa, was in his office when he heard gunshots. Upon investigating, he saw a boy outside the centre's gate firing with a pistol into the air. The assailant then fired directly at the centre, shattering the glass door and striking the railing near the stairs. The shooter, whose face was covered with a black cloth, wore a black lower with a white side stripe and a white full-sleeved shirt. After the attack, the suspects,



identified as two individuals, who fled away from the spot on a motorcycle towards Indri Chowk, Ladwa. Sunil immediately contacted the police, and thereafter, the FIR (supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and further it is a case of no injury. He further submits that the petitioner has been nominated as an accused only on the basis of disclosure statement made by the co-accused as well as the self-incriminating disclosure statement made by the petitioner himself recorded during the custodial interrogation, which is not admissible in evidence. He further contends that no recovery has been effected from the petitioner during his police remand and the petitioner has undergone the actual custody of more than 01 year and 11 months and the material witnesses have been examined before the learned trial Court. Learned counsel for the petitioner refers to the depositions of the complainant and eye-witness (Annexures P-2 and P-3, respectively) to submit that both of them have not recognized the petitioner as one of the assailant.

4. Learned counsel for the petitioner further submits that there are total 34 prosecution witnesses cited in the list of witnesses, out of which, only 06 PWs have been examined till date and there is no evidence to connect the petitioner with the alleged offence 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 complicity of the petitioner is duly established on the basis of his disclosure statement and he is a habitual offender and is involved in 04 more cases of similar nature, however, he could not controvert the fact that the petitioner has undergone actual custody of 01 year and 11 months and out of 34 PWs, only 06 PWs have 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 01 year and 11 months 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 34 prosecution witnesses, 06 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Harshdeep @ Aman 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

17.03.2025
yakub

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