

**110+228****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-11241-2025 in/and
CRM-M-13897-2025
Date of decision: 02.04.2025

Chetan alias Chintu

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Balvinder Sangwan, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)**CRM-11241-2025**

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record certain document as Annexure P-8.

In view of the averments made in the application, the same is allowed and certain document as Annexure P-8 is taken on record subject to all just exceptions.

CRM-M-13897-2025

The present petition has been filed under Section 483 of BNSS seeking regular bail in case bearing FIR No.196 dated 02.10.2019 under Section 379-A of IPC (Sections 379-B/147/149 of IPC added later on) registered at Police Station Chhainsa, Faridabad.

Succinctly, the facts of the case are that on 02.10.2019, the complainant along with his nephew, namely, Sohail, were traveling towards



Mohna on his motorcycle bearing No. HR-29-AE-4641 to purchase some goods and when they reached near the sawmill on Mohna Road in Aterna, three individuals riding a black Splendor motorcycle intercepted them and forcible took his motorcycle and also robbed him of Rs.2600 cash and thus the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR (*supra*) and he has been falsely implicated in the present case on the basis of disclosure statement made by co-accused, namely, Pawan @ Kaalu while in custodial interrogation which has no evidentiary value in the eyes of law and no recovery has been effected from the petitioner to connect him with the alleged incident. The petitioner was initially granted the concession of bail by the learned Additional Sessions Judge, Faridabad vide order dated 07.04.2020 (Annexure P-2) and the petitioner has been regularly appearing before the learned trial Court but on 21.04.2023, the petitioner could not appear and his bail was cancelled. The petitioner is behind the bars since 01.08.2023 and has undergone actual custody of 02 years, 07 months and 11 days.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there is sufficient material to prove the complicity of the petitioner and further, he is a habitual offender and is involved in 20 more cases. However, he could not controvert the fact that the petitioner was remained on bail for more than three years and he could not appear on one date i.e. on 21.04.2023 and his bail was cancelled by the learned trial Court.



A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. 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.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 01.08.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Chetan alias Chintu is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

02.04.2025

Neha

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