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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17048-2025 (O&M)

Date of Decision: 03.07.2025

HIMANSHU @ DELHI

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhinav Aggarwal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No. 0020 dated 11.01.2025 registered under Sections 115, 126, 190, 191(3), 309(4) and 351(3) of Bhartiya Nyaya Sanhita, 2023 (Section 61 of BNS added later on) at Police Station Panipat City, District Panipat.

2. The brief facts of the present case are that the present case was registered on the complaint of Sachin son of Ramesh, who stated that he is resident of House no. 856/13, Gandhi Colony, Panipat and is an auto driver. On 28.12.2024, he had come to Railway Station, Panipat. Karan, President of Railway Station demanded an amount of Rs.2,000/- for driving the auto. He refused to give the said amount, then Karan, Kallu, Arjun, Sahil, Aakash @ Akku and other boys gave beatings to him and he was rescued by some passerby and then he came to Civil Hospital, Panipat for conducting his medical, but again Karan, Kallu, Sahil, Arjun, Aakash @ Akku, Vicky Saini, Vishnu Punia and other boys stopped his E-Rickshaw and they gave beatings to him and snatched



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his mobile phone and same was broken and also taken amount of Rs.3,560/- which was put by him in mobile cover and they also snatched his silver Kada and they openly stated that they belongs to Rahul Kashyap gang and if the complainant will not give monthly, they will kill him. The passerby took him in Civil Hospital for treatment.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the instant case and he is not named in the FIR. Further no specific role has been attributed to him in the FIR(supra) and no recovery has been effected from him. The petitioner is behind the bars since 13.01.2025. Investigation of the case is complete. Although, petitioner is involved in one more case, however he is on bail in that case. Learned counsel further contends that even the material witness i.e. the complainant has already been examined before the learned trial Court.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the grant of regular bail to the petitioner on the ground that petitioner is a member of one notorious gang and he has been demanding Rs. 2,000/- per month from the Auto Rickshaw drivers and as such the petitioner is not entitled to any relief and he is also involved in one more case. However, he could not controvert the fact that out of total 12 prosecution witnesses, only 01 PW has been examined so far.

5. 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 10 days. Investigation of the case is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 12 prosecu-



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tion witnesses, only 01 has been examined till date. No useful purpose shall be served by further detention of the accused/petitioner.

6. 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."

7. In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Himanshu @ Delhi 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.



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9. 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

03.07.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No