

**CRM-M-17666-2025 (O&M)****1****220****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-17666-2025 (O&M)****Date of Decision: 12.05.2025****AMIT KUMAR****...PETITIONER****Versus****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Abhimanyu Singh, Mr. Arnav Ghai and
Mr. Dhruv Trehan, Advocates for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana assisted by
Mr. Rahul Bhargav, Advocate and
Mr. Tanwar Singh, Advocate for the complainant.

*********Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 428 dated 10.11.2024 registered under Sections 110, 115, 126, 190, 191(2), 191(3), 351 of Bhartiya Nyaya Sanhita, 2023 at Police Station Bilaspur, District Gurugram.

2. Brief facts of the case of the prosecution case are that on 07.11.2024, an information was received from Parkash Hospital about Rambir and Krishan being admitted in hospital due to injuries received in fight. IO reached the hospital and recorded the statement of injured Rambir, who gave a written application alongwith USB driver to IO by saying that on 06.11.2024 around 05.00 PM, Rocky called him on his phone informing that their brother Kalu (Charan Singh) was brutally beaten up and that they were present near power house Panchgaon. He was immediately called on the spot to take Kalu to the hospital. He alongwith Tilak and Krishan started for Panchgaon. In

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Panchgaon at Bunty's mill, two Scorpio Car stopped their way. 10-12 people came out of the cars. Immediately, a black colour Verna car also reached there. Around 14-15 people gathered there. Sumit @ Goli @ Goldy Pardhan declared that his brother Sudhir had informed him that Charan Singh had been killed and Rambir should be killed by them. Location given by Sudhir qua the injured was found to be right by them. Sumit @ Goli @ Goldy Pardhan, Pardeep, Kuldeep, Monu, Rahul, Anil r/o Baslambi, Amit son of Umed, Naveen @ Julmi, Pandit son of Rakesh @ Bholu and 4-5 other unknown people attacked him with intention to kill him. They had iron rod, baseball bats etc. They gave him beatings on his arm, legs and head with intention to kill him. They threatened to kill him and left the place saying that their brother Sudhir was Sub Inspector and he would manage everything. It was alleged that SI Sudhir got FIR No.417/24, P.S. Bilaspur, Gurugram registered against them and he said that he got attacked conducted in order to kill the complainant. On this basis, present FIR was registered.

3. Learned Sr. Advocate for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and the FIR(supra) has been registered after a delay of 04 days from the alleged occurrence. Further, no specific injury has been attributed to the petitioner and as per the opinion of the doctor, none of the injuries suffered by injured Rambir and Krishan were declared as dangerous to life. As such, *prima facie*, no offence under Section 110 of Bhartiya Nyaya Sanhita, 2023 is made out. Learned counsel further submits that petitioner has been implicated in this case only for the reason that earlier he got one FIR registered against the present complainant bearing No. FIR No. 417 dated 03.11.2024 (Annexure P-2). Petitioner is behind the bars since 20.12.2024 and he is not involved in any other case.

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4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* he assisted by learned counsel for the complainant opposes the grant of regular bail to the petitioner on the ground that petitioner has actively participated in the alleged occurrence and given multiple injuries on the person of injured Rambir and Krishan and both of them collectively suffered 11 fractures and the petitioner brought all the accused in his car. As such, his complicity in the alleged incident is duly proved and from his custodial interrogation, one wooden stick has been recovered. However, he could not controvert the fact that petitioner is not involved in any other case.

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 19 days as on 09.05.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case is yet to commence as out of total 20 PWs, none has been examined so far. 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.

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 inher-

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ited 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 the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Amit Kumar 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.

8. 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

12.05.2025*Ajay Goswami**Whether speaking/reasoned*
*Whether reportable**Yes/No*
Yes/No