



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

242

CRM-M-19516-2025 (O&M)

Date of decision: 22.04.2025

Sahil Ram @ Sahil

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

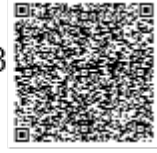
Present: Mr. Aashish Bhagat, Advocate
and Mr. Tarun Gautam, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

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.237 dated 26.12.2023 registered under Sections 323, 324, 341, 307, 506, 148, 149 and 201 IPC and Section 27 of the NDPS Act, at Police Station Phase-I, District S.A.S. Nagar, Mohali.

2. As per the prosecution case, FIR has been registered on the statement of complainant alleging that they are two brothers and Aditya is his elder brother. He is working in Connect Wifi Company. On 25.12.2023, being a Christmas holiday, he was sitting at his friend Vishal's house and received a phone call of his mother, who told him that she has to go to Phase-3B1 for work and asked him to drop her there. On this, he was coming back to his house and when he reached near Nagar Khara Chowk of his Village Mohali, at about 5.30 PM, then



Sahil son of Manga, Hardeep @ Raju son of Darshan Singh and Raju, who are relatives and Kala and Saan were with them. Sahil was armed with sword and Kala was holding Baseball bat. Raju and Saan were empty handed. They all besieged him and asked for money, when he refused, then Sahil gave sword blow, which hit on the right side of his head and also gave second blow, which hit on his left cheek and he fell down. Kala also gave blow with baseball bat. Raju and Saan gave leg blow, when he was lying down. His uncle and friend reached the spot and on seeing them, the accused person ran away from the spot while giving threats. Thereafter, uncle Pridum and his friend Parveen arranged a vehicle and brought him to Civil Hospital, where after giving first aid, he was referred to GMCH, Sector 32, Chandigarh. The doctors of GMCH, Sector 32, Chandigarh gave him medical treatment and he was discharged. The main reason behind the incident was rivalry, as the accused persons are drug addicts and they were asking for money from Rohit Kumar, however, on refusal, they attacked him. During the said fight, his mobile phone fell down. On the basis of said statement of complainant, FIR has been registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and the factual ingredients to attract the offence under Section 307 IPC are absent on record and the prima facie offence under Section 307 IPC is not made out and the investigating officer has invoked the said provision without there being any opinion with regard to any of the injury being dangerous to life. He

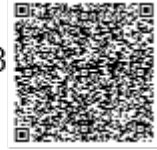


further submits that the petitioner is behind the bars since 26.12.2023 and despite a lapse of more than 15 months, the prosecution has failed to conclude its evidence.

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, on instructions from ASI Sham Singh, opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and he is alleged to have given a blow with a sword on the right side of the head of the complainant and left cheek and as such, prima facie offence under Section 307 IPC is made out against the petitioner and therefore, he is not entitled to any relief, however, he could not controvert the fact that the petitioner is not involved in any other case.

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, 03 months and 22 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 Sahil Ram alias Sahil 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

22.04.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No