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

CRM-M-21112-2025

Date of decision: 21.07.2025

Sagar

....Petitioner

Versus

State of Haryana

...Respondent

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

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR
No.421 dated 30.10.2020 under Section 365 of IPC (Sections
364/302/201/148/149/120-B of IPC added during investigation) registered at
Police Station Adampur, District Hisar.

Succinctly, the facts of the case are that on 27.10.2020, the son of
the complainant, namely, Deepak @ Bachhi aged 20 years went to the house of
Ajmal Bhadu resident of Adampur and did not return. On 28.10.2010 at around
09:00 A.M., a telephonic message was received from Vishnu Bhadu who
informed that his brother, Ajmal and Deepak @ Bachhi, were sitting together
near BDPO Office, Adampur. Thereafter, his brother, Ajmal, left but Deepak @
Bachhi was abducted by 10-15 unknown persons and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the
petitioner has been falsely implicated in the present case. Further, similarly
situated co-accused, namely, Arun Kumar, Bajrang, Kamal @ Ludia and
Pardeep @ Miniya @ Meenu have been granted the concession of regular bail



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by this Court vide order dated 04.07.2023 passed in CRM-M-14966-2023 titled as 'Arun Kumar Vs. State of Haryana', order dated 22.08.2023 passed in CRM-M-39913-2023 passed in 'Bajrang Vs. State of Haryana', order dated 25.08.2023 passed in CRM-M-19918-2023 titled as 'Kamal @ Ludia Vs. State of Haryana' and order dated 11.07.2024 passed in CRM-M-12905-2024 titled as 'Pardeep @ Miniya @ Meenu Vs. State of Haryana' (Annexures P-3 to P-6, respectively). Admittedly, the petitioner has been nominated as an accused on the basis of disclosure statement made by co-accused-Bajrang who has been enlarged on bail by this Court vide Annexure P-4. Further, the accused who have been named in the FIR (*supra*) and have been allegedly participated in the crime in question, have already been extended the concession of regular bail by the Coordinate Bench of this Court on the ground that material witnesses including the witness of last seen, have not supported the case of the prosecution. The case of the petitioner is at par with the co-accused who have been granted the benefit of regular bail. Further, all the material witnesses have been examined, as such, there is no apprehension of tampering with the prosecution evidence.

The learned State counsel has filed custody certificate along with status report in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established and he is a habitual offender. He further submits that the petitioner is involved in six more cases, out of which, in two cases, he has been acquitted. However, he could not controvert the fact that co-accused-Bajrang, on whose disclosure statement, the petitioner has been nominated as an accused in the present case, has been



granted the concession of regular bail by this Court vide Annexure P-4.

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."

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.

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 22.08.2022. 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 as only 22 out of 45 prosecution witnesses, have 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. 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.

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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-Sagar, 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

21.07.2025*Neha*

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