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

CRM-M-23211-2025

Date of decision: 28.07.2025

Sagar

....Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Sandeep Kumar, DAG, Punjab.

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.210 dated 30.09.2024 under Sections 124(1)/333/3(5) of BNS registered at Police Station City-1, Abohar, District Fazilka (Section 332 of BNS added subsequently on 26.12.2024) (Annexure P-1).

Succinctly, the facts of the case are that on 30.09.2024 at about 01:30 P.M., co-accused, Aman Kumar along with the accused/petitioner came to the house of the complainant and inquired about Vikram @ Vicky i.e. son of the complainant. The complainant has alleged that two accused persons went inside the room and assaulted his son with acid and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and the only allegation against the petitioner is that he merely accompanied the co-accused upon his asking to the house of the injured witness. No role, motive or active participation has been attributed to the petitioner. Further, there is no allegation that the petitioner has purchased the acid or supplied the same to the co-



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accused. Further, the co-accused, Aman Kumar, was having a dispute with his nephew/victim, namely, Vikram. The petitioner is behind the bars for the last more than 09 months and investigation of the case is complete and it would be a moot point whether the petitioner can be held liable for the offence under Section 124(1) of BNS with the aid of Section 3(5) of BNS or not. Further, out of total 13 prosecution witnesses, not even a single witness has been examined till date.

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 the petitioner has played an active role as he accompanied the main accused who has thrown the acid on the victim, as such, he is not entitled to any relief.

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

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record of the case, it transpires that the petitioner is behind the bars since 03.10.2024. 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 out of 13 prosecution witnesses, 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. 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.

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

28.07.2025*Neha*

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