



234

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

CRM-M-25099-2025

Date of decision: 16.07.2025

Raj Singh @ Raju

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Raghav Sharma, 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.76 dated 29.01.2024 under Sections 25(6) (Sections 54-59 added later on) Arms Act registered at Police Station City Karnal.

The FIR (*supra*) was registered on the basis of secret information that the accused/petitioner along with Rajinder @ Jinder, who are the chief and member of the RRS gang, respectively, and are most wanted in Haryana by police, are having illegal weapons and they are in the process to commit something wrong. As per the information, they were on motorcycle splendor black colour and are standing on the T point, Sector 3 which leads from Brahamanand Chowk to Namastay chowk and if raid is conducted, they can be caught red handed. The information was found credible and correct and on search, one country made pistol .32 bore and 05 live cartridges were recovered from Rajinder @ Jinder and a country made pistol .315 bore was recovered from the petitioner and thus, the FIR (*supra*) was registered.

Learned counsel for the petitioner *inter alia* contends that the



CRM-M-25099-2025

-2-

petitioner has been falsely implicated in the present case. The alleged recovery of one country made pistol has been planted upon the petitioner along with one live cartridge. The petitioner has been involved in FIR (*supra*) only under suspicion keeping in view his antecedental behaviour. The petitioner has suffered incarceration of more than 01 year and 05 months. The prosecution has failed to examine even a single witness till date, charges have not been framed and trial of the case would take long time to conclude.

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 was apprehended on the basis of secret information and he is facing 11 cases as under trial registered in the States of Haryana and U.P., as such, he is not entitled to any relief. However, he could not controvert the fact that till date, not even a single prosecution witness has been examined out of 14 and the petitioner has undergone incarceration of more than 01 year and 05 months.

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 record of the case, it transpires that the petitioner is behind the bars since 05.02.2024. 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 14 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.

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.

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-Raj Singh @ Raju is ordered to be released on regular

CRM-M-25099-2025

-4-

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

16.07.2025

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