



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

CRM-M-27516-2025

Date of decision: 23.05.2025

PARVEEN KUMAR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. A.P.S. Sandhu, Advocate for the complainant.

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.0062 dated 08.03.2025 registered under Sections 190, 191(2), 191(3), 115(2), 126(2), 109 and 351(3) of BNS, 2023 and Sections 25(1)-B, 25(1)-C of Arms Act, 1959 (Sections 190, 191(2), 191(3) of BNS, 2023 deleted later on and Section 25(1)-C of Arms Act, 1959 added later on) at Police Station Civil Line, Jind, District Jind.

2. In brief, the facts of the prosecution case are that a written complaint was moved in the name of SHO, Police Station: Civil Lines, Jind for taking action against 1. Ansh @ Lucky son of Parveen, 2. Parveen son unknown (petitioner herein) 3. Harsh son Parveen, 4. Deepak son unknown residents of Shiv Colony, Jind and 3-4 other unknown boys for attempt to murder and injury. It was stated that the complainant was preparing for job. On 04.03.2025, he had gone to Mahendra Shiv Colony shop to buy grocery



items in the afternoon, when Ansh *alias* Lucky son of Praveen resident of Shiv Colony, Jind along with his 3-4 friends thrashed him and threatened to kill him due to an altercation between Ansh and his brother Narendra eight-nine days back regarding speeding of bike, after which, he was admitted in Government Hospital, Jind for one day and had given his statement to the police for taking action. On 08.03.2025 i.e. date of occurrence at about 05:15 pm, he was going towards old bus stand, Jind on scooty with his nephew Aditya, then a little ahead of Mahendra's shop, the above-mentioned Ansh son of Praveen and his three friends obstructed his scooty with their car bearing No.HR26CG-1822. Ansh pointed a pistol at him, and he drove off his scooter and ran towards home. Thereafter, Ansh challenged him saying that he would kill him whenever he shall come home. He came home and told the entire episode to his family and was going towards his uncle Ramesh's house for further proceedings, when his brother Vivek Sharma, a lawyer, his brother Narendra and Rachna, Ansh's father Praveen, uncle Deepak and Ansh's elder brother Harsh surrounded them outside his uncle Ramesh's house and attacked them with sticks. Ansh's father Praveen (petitioner) strangled his brother Narendra and hit him, petitioner-Praveen also hit his brother Vivek with a stick and abused him with filthy language. At the same time, Ansh son of Praveen also reached there with his 3-4 friends in car no.HR-26CG-1822 and fired at him with the intention to kill him and her mother came in between and Ansh missed the target and her mother was hit by the pellets. Thereafter, Ansh's friend fired at his brother Vivek with the intention to kill him, but his brother Narendra caught hold of him from behind and he missed the target, otherwise, the bullet would have hit his brother Vivek. Thereafter, all the accused started



firing in the air and on hearing the noise of fight many people gathered. Ansh alias Lucky, petitioner, Harsh, Deepak and others Two-three persons had blocked his way by obstructing with their vehicle and in collusion with each other fired at him and his brother Vivek with the intention to kill them and injured his other family members and threatened to kill him and all of them fled from the spot with their weapons. Ultimately, legal action against the culprits was sought. Subsequently, the FIR (*supra*) was registered.

3. Learned counsel for the petitioner *inter alia* contends that as per the case set up by the prosecution, the petitioner is alleged to have given injuries to Narender and Vivek, however, those injuries have been declared simple in nature by the doctor. He further contends that no offence under Section 109 of BNS is made out as no such injury is received by any person. Furthermore, the offence under Section 109 of BNS, 2023 has been invoked on the allegations that the son of the petitioner fired in the air, but at the most it could be an offence under Section 125 of BNS, 2023. He further submits that the petitioner is not involved in any other case and the investigation of the case is complete.

4. Mr. A.P.S. Sandhu, Advocate puts in appearance on behalf of the complainant and files his memo of appearance.

5. Learned State counsel produces the custody certificate of the petitioner, which is taken on record. *Per contra*, He, on instructions from SI Rajender Kumar, assisted by learned counsel for the complainant opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was a part of an unlawful assembly and had tried to strangulate one of the injured witness i.e. Narender Kumar and the injuries on his neck were



also found during investigation. Further, *danda*, with which blow was given by the petitioner and he was armed with, has already been recovered. Furthermore, the petitioner tried to mislead the Court below by showing selective photographs of the incident, an observation of the learned Additional Sessions Judge is also available in this regard. 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 since 10.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not started yet as out of 17 witnesses cited by the prosecution, none has been examined. 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.

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. In view of the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Parveen Kumar 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.

9. 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.

May 23, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |