



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

237

CRM-M-28092-2025 (O&M)
Date of decision: 23.07.2025

Sunny

....Petitioner

Versus

State of U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Tandon, Advocate for the petitioner.

Mr. Tapan Masta, APP, U.T., Chandigarh
assisted by SI Gurchetan Pal Singh.

HARPREET SINGH BRAR J. (Oral)

CRM-21359-2025

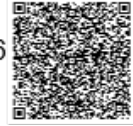
Prayer in this application is for grant of leave under Rule 3-A (i) of Chapter 6 Part B Volume V of the High Court Rules and Order, to appear, act or plead before this Court.

Allowed as prayed for.

CRM-M-28092-2025

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.204 dated 29.11.2023 registered under Sections 302, 307 and 34 IPC at Police Station Sector 11, Chandigarh.

2. As per the prosecution case, the FIR (supra) has been registered at the instance of complainant Mukul who stated that on 24.11.2023, he had some altercation with Sandeep @ Kaku and Ankur @ Pal. On that day, they extended threats to kill him but he did not take



those threats to be serious. On that day i.e. 24.11.2023, at about 2.30 PM, when he was present in the street, meanwhile Ankur @ Pala and Sandeep @ Kaku came and asked to teach him a lesson. Sandeep @ Kaku also asked not to let him to go alive on that day, meanwhile Ankur @ Pala caught hold his hands from backside and Sandeep @ Kaku gave knife blows in his abdomen. He cried for rescue and the accused persons fled away from the spot. Thereafter, the victim was got admitted in the hospital Sector 16, Chandigarh and he passed away on account of the injuries sustained by him.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). Further there is no material on record to remotely suggest that the petitioner has any knowledge with regard to co-accused intent to commit the murder of deceased. As per the case set up by the prosecution, the deceased had died due to fatal injury inflicted by the co-accused. The entire event has been recorded in the CCTV cameras, which does not conclusively prove that the petitioner was aware that co-accused is likely to commit murder of the deceased. The petitioner is alleged to have caught hold of the deceased and it would be a moot point to be decided during the course of trial, whether the offence under Sections 302/307 with the aid of Section 34 IPC, are made out or not against the petitioner.

4. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and he is in custody for the last 01 year, 07 months and 24 days. There are total 26 prosecution



witnesses cited in the list of witnesses, out of which, 07 PWs have 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 opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has actively participated in the alleged crime and his complicity is duly established. There are serious and specific allegations against the petitioner, however, he, on instructions from SI Gurchetan Singh, could not controvert the fact that out of 26 PWs, only 07 PWs have been examined till date and 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, 07 months and 24 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 26 prosecution witnesses, 07 PWs has/have 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 of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sunny is ordered to be released on regular bail during pendency of the trial, on 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

23.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No