



**114+353 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-26099-2025 in/and
CRM-M-33679-2025
Date of decision: 21.07.2025

Jai Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anil Malik, Advocate
for the applicant/petitioner.

Mr. Satbir Goripuria, DAG, Haryana.

Mr. Sarun Hans, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

CRM-26099-2025

The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking preponement of the date of hearing of
the main case.

In view of the averments made in the application, the same has
become infructuous.

Dismissed as having been rendered infructuous.

CRM-M-33679-2025

The present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR
No.181 dated 19.03.2025 under Sections 115/ 140(2)/ 190/ 191(2)/ 310(2)/ 333/
351(3) of BNS registered at Police Station HTM Hisar, District Hisar.

Succinctly, the facts of the case are that on 13.03.2025, the son of



CRM-26099-2025 in/and
CRM-M-33679-2025

-2-

the sister of the complainant, namely, Anil along with his wife, namely, Asha, had come to see the complainant. It is further alleged that Anil had performed love marriage with Asha on 08.09.2024 and 8-9 members of the girl's side, girl's parents and 12-13 other persons came in one Innova and one Dzire car. They thrashed Anil and her sister-Sundari and also snatched Sundari's gold chain and *mangalsutra*. Thereafter, they kidnapped Anil and Asha and also extended threats to kill them and thus, the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The alleged kidnapped girl, namely, Asha and boy, namely, Anil Kumar, have eloped together as they were in a live-in relationship and both of them are major, as such, no offence as alleged in the FIR is made out. The petitioner has been nominated as an accused in the present case only on the allegation that the car owned by him has been used in the crime and he is father of the kidnapped girl, namely, Asha. After registration of the FIR (*supra*), a compromise has been effected between the parties as discernible from (Annexure P-2). The petitioner is not involved in any other case and is having clean antecedents. The petitioner has suffered incarceration of more than 04 months. Investigation of the case is complete.

Mr. Sarun Hans, Advocate appearing for the complainant files his *vakalatnama* in the Court today and the same is taken on record. He submits that a compromise has been arrived between the parties and he has no objection in case the present petition is allowed.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that the complicity of the petitioner is duly



established and allegation against the petitioner is proved. However, he could not controvert the fact that the compromise between the parties has been effected and dispute between the parties is with regard to eloping of the daughter of the petitioner with one Anil Kumar who is nephew of the complainant.

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 19.03.2025. Investigation is complete. The final report under Section 173



CRM-26099-2025 in/and
CRM-M-33679-2025

-4-

Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress. 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-Jai Singh, 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