



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-33741-2025 (O&M)
Date of decision: 07.07.2025

Mannu
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sudhir Rana, Advocate
and Mr. Ankush Duhan, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

CRM-24611-2025

Prayer in the instant application filed under Section 528 of BNSS, 2023 is for exemption and placing on record the documents as Annexures P-1 to P-4, respectively.

Allowed as prayed for subject to all just exceptions.

CRM-M-33741-2025 (O&M)

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.0080 dated 29.03.2023 registered under Sections 302/323/34/342 of IPC at Police Station Sector 56, District Gurugram.
2. Succinctly, the facts of the case are that on 28.03.2023 at about 10:00 P.M., the complainant and Rafigul having their dinner together and discussed their plan to collect scrap from the nearby village



of Ghata later that night. They intended to sell the scrap and divide the proceeds. Thereafter, as they passed near the main road by village Ghata, they noticed a plot where several vehicles and iron materials were stored. They parked their cart by the road side and entered the plot to collect iron materials. Initially, they picked up a rod from near a tractor and placed it in their cart. Spotting a larger piece of iron, they decided to retrieve it as well, however, while attempting to do so, someone noticed them and shouted at them to stop, on account of which, they hid in nearby bushes. After about an hour and a half, they returned to collect the heavy iron piece, where some individuals confronted them. They abandoned the iron material and attempted to escape with their cart but were caught by two young men. These individuals began beating them with sticks, given severe injuries, tied them up with the ropes and confined them in a makeshift shelter in one corner of the plot. By morning, when the complainant regained consciousness, he found that Rafigul was still unresponsive and upon closer observation, he came to know that Rafigul was died and thus, the instant case.

3. Learned counsel for the petitioner *inter alia* contends that the identically situated co-accused namely Ankit was granted the concession of regular bail by this Court on 26.05.2025 passed in CRM-M-4342-2025 (Annexure P-3). Further, the entire case of the prosecution is based upon hearsay evidence. As per the case set up by the prosecution, the deceased was committing theft along with others



and they were caught and were given beatings and thereafter, he succumbed to the injuries sustained by him. The material witnesses have been examined which includes the wife of deceased and the complainant and wife of the deceased have not supported the case of the prosecution and they have been declared hostile by the learned Public Prosecutor. The petitioner is a first time offender and is not involved in any other case. He further submits that it would be a moot point to be decided during the course of trial whether the petitioner can be held liable for an offence under Section 302 IPC.

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 29.03.2023 and there are total 23 prosecution witnesses cited in the list of witnesses, out of which, 08 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 is one of the accused, who is alleged to have caused beatings to the deceased along with other co-accused, which resulted into his death, however, he could not controvert the fact that the petitioner has undergone the custody of more than 02 years and 03 months 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 02 years, 03 months and 05 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 23 prosecution witnesses, 08 PWs 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 the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Mannu 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

07.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No