

CRM-M-34156-2025
Date of decision: 09.07.2025

...PETITIONER

...RESPONDENT

2. Brief facts of the present case are that one Chameli Devi w/o late Om Parkash stated that her devar (brother-in-law) Pappu's son Binder Kumar was having love affair with Indro daughter of Naresh Kumar, who was working with them on the brick kiln. That 5-6 days earlier, Sanjay Kumar s/o Naresh Kumar seen her nephew Binder Kumar and Indro Devi talking with each other. That Sanjay Kumar, brother of Indro Devi started having a grudge against Binder Kumar. That on 14.06.2020, at 6.00 PM, her nephew son Binder Kumar had gone to one Shop at Village Rangri for his personal work. That with the intention of fighting, Sanjay s/o Naresh along with his friends Monu s/o Mange Ram, Desh Raj s/o Parkash, Jai Pal s/o Chander had gone to



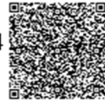
Rangri. In the village at Rangri, some altercation took place between the nephew of the complainant and Sanjay (brother of Indro) and his friends, where the people intervened between them. They returned back at Kisan Brick Kiln. Then Monu made a call to Suraj s/o Jagdish alias Jagga, Jonna s/o unknown and other 10-15 unknown persons on phone at 10.00 PM, who came there by riding on their motorcycles. They all gathered in the house of Desh Raj s/o Parkash. They all started abusing Parveen and Binder. That the complainant and her nephew, her son Parveen and her devar Pappu objected them not to abuse by standing in the street near the house of Desh Raj then Sanjay and Govind s/o Naresh and their friends Desh Raj, Suraj, Jyona, Monu and their 10-15 unknown persons came out from the house of Desh Raj in anger. Sanjay said they teach a lesson to Binder for falling in love with his sister Indro. Son of the complainant-Parveen was caught hold by Gobind, Sanjay, Desh Raj, Jyona and Monu and started giving slap and fist blow and Suraj gave a blow of sharp gupti of iron carrying in his hand on the left side of neck of her son Parveen and other 10-15 unknown persons having in their hands lathis and iron rods surrounded son of the complainant-Parveen and he was not allowed to be rescued. Then devar of the complainant-Pappu intended to save Parveen but they inflicted injuries to him also. Then they raised a noise Mar Diya Mar Diya. Then the other labourers of the brick kiln started coming. Then they fled from there along with their respective weapons on motorcycles. Then the complainant and her nephew after arranging a vehicle, got Parveen shifted to Govt. Hospital, Sirsa. Doctor declared son of the complainant-Parveen to be dead. That Govind, Sanjay, Desh Raj, Jyona, Monu and Suraj and 10-15 unknown persons in collusion with each other killed son



of the complainant-Parveen by inflicting injuries. Hence, 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 injury suffered by the deceased on his neck was specifically attributed to co-accused, namely, Suraj with a sharp-edged weapon, who has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 13.01.2025 passed in **CRM-M No.44589 of 2024** titled as **Suraj vs. State of Haryana** (Annexure P-2). He further contends that the petitioner was not named in the FIR (*supra*) and was nominated as accused on the basis of disclosure statement made by co-accused, namely, Des Raj, who has already been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 16.10.2023 in case bearing **CRM-M No.46771 of 2023** titled as **Desh Raj vs. State of Haryana** (Annexure P-5). Learned counsel submits that the petitioner has already suffered the incarceration of more than 01 year and 01 month and nothing has been forthcoming from the case set up by the prosecution with regard to his complicity, apart from the recovery of one sword, pursuant to his demarcation made upon his disclosure statement. The investigation of the case is complete. The petitioner is not involved in any other case. Further, 08 witnesses are yet to be examined by the prosecution.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the prayer for grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established as co-accused, namely, Des Raj has made a disclosure statement nominating the petitioner as one of the accused, as such,



he is not entitled to any relief. However, learned State counsel could not controvert the fact that the petitioner is not involved in any other case and co-accused, namely, Suraj and Des Raj have already been enlarged on bail by this Court.

5. 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, 01 month and 22 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 32 prosecution witnesses, 08 witnesses are yet to be 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.

6. 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."

7. In view the discussion above, the present petition is allowed.



Accordingly, without commenting upon the merits of the case, the petitioner-Satpal @ Rogi 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.

8. 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.

July 09, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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