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

CRM-M-35425-2025

Date of decision: 29.07.2025

Vikas @ Masuri

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sauhard Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.272 dated 06.06.2019 under Sections 307/506/323/34 of IPC and Section 25 of Arms Act, registered at Police Station HTM, District Hisar, Haryana.

Succinctly, the facts of the case are that on 05.06.2019, a VT was received from control room, Hisar regarding admission of Sahil alias Sunny in General Hospital, Hisar due to injuries received in an assault. Thereafter, SI Daya Nand reached hospital and obtained *ruqa* along with MLR and on 06.06.2019, again information was received that Sahil alias Sunny is admitted in Safdarjung Hospital, New Delhi. SI Daya Nand reached at Safdarjung Hospital, New Delhi, where Sahil was found admitted in Operation Theatre. He obtained the opinion of the doctor whether the injured is fit for statement or not but he was declared unfit. Rohit son of Surjeet was found present there with Sunny injured and he got recorded his statement to the effect that on 05.06.2019 at around 06:00 P.M. he was giving information on the mobile phone of Vikas alias Mansuri (the petitioner herein) that he came to know as to



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who had caused injuries to Gautam alias Gomchhi, upon which they both started abusing each other. Thereafter, he along with Sahil were going to Subji Mandi Chowk, Hisar for taking medicines and at about 07:30 P.M., when they reached near ITI gate, Shubham alias Shiva alias Tindi son of Ramesh Kumar, Vikas son of Sanjay, Mansuri alias Vikas son of Babar Singh along with other two unknown persons were standing there on two bikes. Shubham tried to cause injuries upon his head with a sword but hit on his left hand and his hand was amputated. Other accused gave fist and slap blows to him. Many persons gathered there and on seeing them, the accused persons fled away from the spot and extended threat to kill him and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the petitioner was granted the concession of regular bail by the learned Additional Sessions Judge, Hisar vide order dated 27.11.2019 (Annexure P-2). Thereafter, the petitioner continued to appear before the learned trial Court on each and every date. Further, on 02.07.2024, the petitioner could not appear before the learned trial Court and his bail was cancelled. The petitioner, thereafter, could not appear on one more date and himself surrender before the learned trial Court and his non-appearance is on account of medical condition as discernible from medical record (Annexure P-4), as such, the petitioner has justifiable explanation for his non appearance and a lenient view was required to be taken.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner has not appeared before the learned trial Court on two occasions and even his counsel has failed to move any application seeking exemption on medical grounds. Further, the petitioner



is also involved in four more cases and thus, he is not entitled to any relief.

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 21.07.2019. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 15 prosecution witnesses, 04 witnesses have been examined so far. 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



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prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in 'Prabhakar Tewari Vs. State of U.P. and another' 2020 (1) R.C.R. (Criminal 831) and 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

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-Vikas @ Masuri, 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

29.07.2025

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