



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-40316-2025
Date of decision: 01.08.2025

Sanju Kumar
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

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.116 dated 18.03.2025 registered under Sections 316(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station K.U.K., District Kurukshetra.
2. As per the allegations in the FIR, on 10.03.2025, Sanju Kumar (petitioner herein) by cheating has got withdrawn an amount of Rs.24,800/- from the ATM card of the complainant.
3. Learned counsel for the petitioner *inter alia* contends that the FIR (supra) was registered after an inordinate and unexplained delay of 08 days, which creates a serious dent on the case set up by the prosecution. Further out of the amount of Rs.24,800/-, Rs.6,000/- has already been recovered. The petitioner is behind the bars since



18.03.2025 and the offences for which the FIR (supra) has been registered is triable by the Court of Magistrate.

4. Learned counsel for the petitioner further submits that the investigation is complete; charges are yet to be framed against the petitioner; there are total 14 prosecution witnesses cited in the list of witnesses and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in six other FIRs of similar nature. As such, keeping in view the criminal antecedents of the petitioner, he is not entitled to any relief, however, he could not controvert the fact that charges are yet to be framed against the petitioner.

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 since 18.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not yet commenced.

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. Further 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.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sanju Kumar 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.

11. 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

01.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No