



CRM-M-45258-2025

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

239

CRM-M-45258-2025
Decided on :25.08.2025

Satish alias Lala

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Aditya Sharma, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Satish alias Lala, aged 24 years, has filed the instant petition seeking regular bail in case FIR No.141 dated 30.03.2024, under Sections 120-B, 302 IPC, and Section 25 of Arms Act, registered at Police Station Chandhut, District Palwal.

2. Complainant-Lakshman filed the aforementioned FIR. According to the prosecution, petitioner played an active role in the murder of Umesh by allegedly bringing the weapon of offence, which was reportedly used by other co-accused and was recovered from co-accused/Naveen. Learned counsel for the petitioner relies on the bail orders dated 28.03.2025(P-6) passed in CRM-M-16089-2025 qua Krishan @ Lukki, specifically referring to paragraph No. 2 of the order,



CRM-M-45258-2025

where the role played by the petitioner, namely Krishan @ Lukki, has been discussed. As per the allegations, accused present at the spot included Naresh, Dinesh, Naveen, Mohit, Umakant, Bhudev, Lukki @ Krishan, Sonu, and Nijja, and one of them fired the shots at Umesh. Petitioner is not named as being present at the spot at the time of the incident.

3. Mr. Aditya Sharma, Advocate, also refers to the order dated 23.07.2025(P-7) passed in CRM-M-49057-2024 concerning co-accused Bishan @ Visan by the co-ordinate Bench of this Court. Referring again to paragraph No. 2, he submits that Bishan @ Visan was alleged to have played the role of going to the complainant's house and persuading the deceased, Umesh, to accompany him in order to sort out the matter with Naresh and others. Consequently, Umesh left the house on the motorcycle of co-accused Bishan and reached the fields where Naresh and other co-accused were present, and one of them fired a shot at Umesh.

Mr. Aditya Sharma further argues that the petitioner is not named and does not appear anywhere at the scene or play any role in the incident.

4. Learned counsel for the petitioner, inter alia, contends that the alleged incident has taken place at 2:00 PM and the FIR (supra) was registered on the next day at about 1:45 PM and the complainant has refused to record his statement on the arrival of the police. He further contends that although, petitioner has been named in the FIR (supra),



CRM-M-45258-2025

however, no overt act or specific allegation has been levelled against him. He refers to the statements of witness-Hukam Chand i.e. grandfather of deceased, recorded under Section 161 Cr.P.C., in which, he has specifically named co-accused Sonu @ Nijja, who has fired upon the deceased, as a result of which, he has died. Further, the pistol used in the crime, was recovered from co-accused Naveen. Apart from the presence of the petitioner at the spot, there is no other allegation against him. It would be a moot point to be determined by the trial Court whether the petitioner can be held liable for an offence under Section 302 IPC with the aid of Section 120-B of IPC or Section 34 of IPC.

5. Learned State counsel produces the custody certificate of the petitioner, which is take on record and per contra, opposes the prayer of the petitioner on the ground that the petitioner has played active role and his complicity is duly proved by the mere fact that he was present along with the main accused, at the time of incident. Learned State counsel further submits that petitioner is involved in five other cases, therefore prays for dismissal of the present petition.

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

**CRM-M-45258-2025**

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. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bar since 16.05.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed on 30.09.2024 and trial of the case has not made much progress as out of 20 witnesses cited by the prosecution, only 08 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 prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

(SANJAY VASHISTH)
JUDGE

25.08.2025*Rashmi*

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No