



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.58654 of 2024  
Date of decision: 22.01.2025

Partik Pandit @ Parteek Gautam  
.....Petitioner  
Versus  
State of Haryana  
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sagar Ratusari, Advocate  
for the petitioner.  
  
Mr. Vikas Bhardwaj, AAG, Haryana.  
  
Mr. Kushger Goyal, Advocate  
for the complainant.

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.747 dated 06.11.2023 registered under Sections 148, 149, 324, 341, 367, 395 and 506 IPC at Police Station Sirsa City, Sirsa District Sirsa.
2. The brief facts of the case are that on 06.11.2023, Rajneesh @ Ravi, a 12<sup>th</sup> class student along with his mother Mamta, filed a complaint at Police Post Sabji Mandi, in which Rajneesh reported that while riding his scooty bearing registration No.HR-24AF-6449 to school with friends Jatin and Gopal, they were confronted by four boys namely Priyanshu, Gaurav, Shubham @ Suba, and Kaku, who stopped them on their motorcycle. The assailants physically assaulted Jatin and Gopal before forcibly taking Rajneesh to a secluded area. During the

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attack, Kaku and Gaurav were armed with a Kapa, while Shubham had a Danda. Rajneesh was injured when Gaurav cut his right hand, and Priyanshu struck him with the Kapa. The assailants continued to beat Rajneesh, despite his pleas for mercy, and threatened his life before leaving the spot with their weapons on two motorcycles. The motive for the attack was reportedly retaliation for a previous incident where friends of Rajneesh had beaten Priyanshu. Following this account, the FIR (supra) was registered based on Rajneesh's complaint.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and he has been nominated as an accused only on the basis of the disclosure statements made by co-accused Priyanshu and Rohit, while they were in police custody and the said disclosure statements has no evidentiary value in the eyes of law as the same is hit by Section 25 of the Indian Evidence Act. He further submits that initially the complainant has named 05 persons in the FIR, however, on the basis of the disclosure statement, the petitioner was nominated as an accused and he is the 6<sup>th</sup> person named in the FIR (supra). Learned counsel for the petitioner submits that the only allegation levelled against the petitioner is that he prepared a video recording of the alleged incident and he has not caused any injury on the person of the complainant.

4. Learned counsel for the petitioner further submits that the petitioner is behind the bar since 08.09.2024 and there are total 20 prosecution witnesses cited in the list of witnesses, out of which, none

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has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has filed custody certificate, today in the Court which is taken on record and he vehemently opposes the prayer made by learned counsel for the petitioner on the ground that the complainant was mercilessly beaten up by the accused/assailants and during the alleged incident, the complainant suffered 03 injuries with sharp edged weapon and the petitioner has posted the video recording of the entire incident on social media to further demean the reputation of the complainant, who is merely 19 years of age, however, he could not controvert the fact that the petitioner is in custody for the last 04 months and 13 days and he 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 04 months and 13 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 20 prosecution witnesses, none has 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*

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*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 Partik Pandit @ Parteek Gautam, is ordered to be released on regular bail during pendency of the trial, on his/her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The

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learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)  
JUDGE

22.01.2025  
*yakub*

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