



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

217

CRM-M-43095-2024
Date of decision: 20.01.2025

Deepak

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankit Chahal, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.244 dated 19.08.2020 registered under Sections 379-A IPC and Section 25 of the Arms Act (Sections 379-B, 341, 427 and 34 IPC added later on) at Police Station Israna, District Panipat.

2. As per the prosecution case, on 18.08.2020 a telephonic information was received at the Police Station with regard to snatching of a vehicle and money, upon which the police reached the place of occurrence and the complainant Krishan Kumar moved a written complaint with the averments that he is resident of Gandhi Nagar Ganaur, District Sonapat and runs a stone crusher at Charkhi Dadri. On 18.08.2020 at around 07:45 PM, the complainant was traveling in his vehicle i.e. Creta bearing temporary No.HR20-208829 and was going



towards his home. The vehicle was driven by the driver namely Birender. When they reached near Lakhu Buana at Baweja road, from behind a Duster car bearing registration of Delhi over took the vehicle of the complainant and got the complainant vehicle stopped. Three men alighted from that vehicle and they fired at the driver side on the glass of the vehicle of the complainant. They made the driver sit on the rear seat by showing pistol and at pistol point took away a sum of Rs.1,40,000/- along with the licensed revolver of the complainant, rounds, I-phone XR-1 mobile phone and from the driver of the complainant they took around Rs.25,000/-, one mobile Vivo phone by snatching. The assailants captured the complainant and his driver, tied them and after leaving them near a crowded area, the assailants fled away. They had also taken away the vehicle of the complainant.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was not named in the FIR and he has been nominated in the case as an accused, after a period of 05 months of alleged incident, on the basis of disclosure statement made by co-accused namely Ravi while in police custody. He further submits that nothing has been recovered from the petitioner and initially, the investigating agency has submitted an untraced report. He further submits that the petitioner is involved in 02 more cases, however, he is on bail in both the cases and he is in custody since 10.07.2023 and the trial of the case is progressing at a snail pace.



4. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in a case of snatching on a public highway and they have snatched Rs.1.40 lacs along with licence, revolver and mobile phone of the complainant and they fled away along with the vehicle of the complainant. She further submit that the petitioner is a habitual offender and is involved in 04 more cases. However, she could not controvert the fact that the snatched vehicle was found in an abandoned place and the same has been taken into possession and out of 18 prosecution witnesses, only 04 prosecution witnesses have been examined till date.

5. 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 10.07.2023. 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 18 prosecution witnesses, only 04 prosecution witnesses, have been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the 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.

6. 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.”

7. 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.

8. 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 namely Deepak is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.



9. 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

20.01.2025
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No