



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

CRR-117-2025

Date of decision: 22.05.2025

DEV DARSHAN ALIAS CHARU BEHAL

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Nitesh Sharma, DAG, Punjab.

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.206 dated 27.07.2024 registered under Sections 109, 115(2), 118(1), 333, 303(2), 191(3), 190, of BNS, 2023 (offences under Sections 117(2), 118(2) of BNS, 2023 added later on and Sections 317(2) and 238 of BNS, 2023 added vide DDR No.20 dated 1.9.2024 and No.21 dated 16.09.2024 added later on) at Police Station City Kapurthala, District Kapurthala.

2. As per the allegations in the FIR, the complainant Dev Ashish @ Nannu son of Sukhwinder Singh, aged about 17 years suffered a statement that he was pursuing Computer Course at Anand College, RCF. On 26.07.2024 he and his friend Dheeraj Atwal @ Kaka on his motorcycle bearing no.PB 02 EU 3439 alongwith his cousin Balraj Singh had gone to Mohalla Shergarh, near Flour Mill to see their relative there. At about 6:00 p.m. Charu Behl son of Bharat Bhushan, Paras @ Ranga son of Vikram, Paras son of Karan Kumar, Samir @ Shooter son of Baldev Singh, Amrik Singh @ Meeka son of Sukha,



Rahul @ Dhunni son of Dhanna Singh all armed with Datars got collected in front of the house of their relative and repeatedly called them outside. But due to fear of their weapons, did not come outside. Thereafter they picked up their aforesaid motorcycle which was locked and lying parked outside the house of the relative and went away. After sometime they again came at the spot and forcibly entered into the house of their relative and caught hold of Dheeraj Atwal and made him to fall on the ground. Charu Behl gave datar blow with intention to kill Dheeraj Atwal and the blow hit on the forehead causing severe injury on the forehead of Dheeraj Atwal. Paras son of Vikaram gave datar blow from reverse side which hit on the wrist of right arm of Dheeraj Atwal. Samir @ Shooter gave datar blow little bit above the wrist of right arm of Dheeraj Atwal. Amrik Singh @ Meeka gave datar blow from reverse side which hit on the knee of left leg of Dheeraj Atwal. Rahul @ Dhunni gave datar blow from reverse side which hit below the knee of left leg of Dheeraj Atwal. Paras son of Karan Kumar gave datar blow from reverse side which hit on the back of Dheeraj Atwal. He raised alarm but the assailants dragged him also in the street and Charu gave datar blow with intention to kill him which hit on the right back side of his head due to which he fell on the ground. Amrik Singh @ Meeka gave datar blow from reverse side which hit on the back side of his head, Rahul @ Dhunni gave datar blow from reverse side which hit below the elbow of left arm. Paras @ Ranga gave datar blow from reverse side which hit on his left arm, Paras @ Karan Kumar gave datar blow from reverse side which hit on his right hand. On hearing his hue and cry, people started gathering at the spot and the accused fled away from the spot alongwith their weapons. Subsequently, the FIR (*supra*) was registered.



3. Learned counsel for the petitioner *inter alia* contends that at the time of alleged incident, the petitioner was juvenile and is alleged to have given two injuries, out of which, one was declared simple and second is grievous in nature. The injury for which, the provisions Section 109 of BNS, 2023 have been added has been attributed to the petitioner as well as to co-accused Samir @ Shooter. He further contends that the petitioner is behind the bars since 12.09.2024 and co-accused namely, Paras @ Ranga has been granted the concession of regular bail by this Court vide order dated 03.04.2025 in case bearing **CRM-M No.9989 of 2025** titled as **Paras @ Ranga vs. State of Punjab** and one of the co-accused, namely, Amreek Singh @ Meeka has been granted the concession of regular bail by learned Additional Sessions Judge-I, Kapurthala vide order dated 29.04.2025.

4. Learned counsel for the petitioner further submits that there are total 23 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed status report dated 21.04.2025 by way of affidavit of Deep Karan PPS, Deputy Superintendent of Police, Sub Division Kapurthala, District Kapurthala on behalf of respondent-State, which is taken on record. He opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has actively participated in the alleged incident and has inflicted grievous injuries, as such, he is not entitled for any relief. Further, the petitioner is involved in 04 more cases.



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 12.09.2024. 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 made much progress.

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 discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Dev Darshan @ Charu Behal is ordered to be released on regular bail during pendency of the trial, on his 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.

May 22, 2025
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |