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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-31820-2025 (O&amp;M)

Date of Decision: 04.07.2025

VIKAS @ KALU

...PETITIONER

Versus

STATE OF U.T. CHANDIGARH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Bhanot, Advocate  
for the petitioner.Ms. Vasundhara Dalal Anand, Addl. PP UT Chandigarh  
for respondent No. 1.

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**Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No. 156 dated 31.12.2024 registered under Sections 191(2), 191(3), 190, 115(2), 118, 109, 103, 333, 351(2) of Bhartiya Nyaya Sanhita, 2023 (hereinafter to be referred as 'BNS') at Police Station West Sector 11, Chandigarh.

2. The instant FIR has been launched at the instance of the complainant Gaurav @ Bharat who reported to the police that nearly 10-15 days ago, he along with his maternal uncle Shubham @ Subhi had some altercation with Rohit @ Golu Mukhbar and Deep. At that time, Rohit @ Golu Mukhbar and Deep had extended threats to kill them on next occasion, but they did not pay any heed to their threats. On 30.12.2024, he had gone to his maternal uncle Subham's house to celebrate the birthday of his daughter Priyanshi where Shubham, @ Subhi, Sahil and Sawan @ goldy were present. After some time, they all went to House No. 2461 to celebrate the party. At about 9.30 PM, when they were enjoying the party, meanwhile Rohit @ Golu, Mukhbar, Binder, Rahul



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and Deep along with 2-3 other persons armed with knife, Axe, Sword etc. entered in their house and exhorted to kill them. Since his maternal uncle Subham stood up, Rohit @Golu gave knife blows on the chest of his maternal uncle with intention to kill him. After receiving knife injury, he fell down and after that Deep, Binder and Mukhbar had assaulted them due to which they got injuries. He got injuries on his back and thigh and Sawan and Sahil received injuries on their back. Thereafter Rohit @ Golu along with his accomplices fled away from the spot while extending threats to kill them.

3. Learned counsel for the petitioner *inter alia* contends that petitioner is not named in the FIR. Further, the petitioner is not attributed any specific injury or any overt act. Admittedly, the injury which has attracted the offence under Section 103 of BNS, is specifically attributed to the co-accused Rohit @ Golu and the petitioner is behind the bars for the last 06 months. Investigation of the case is complete. Further, the complainant as well as the eye witnesses have given affidavit (Annexure P-5) to the effect that petitioner is not involved in the alleged incident.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the grant of regular bail to the petitioner on the ground that initially the petitioner was named as unknown persons accompanying the main accused and his complicity is duly established in the present case as he has actively participated in the alleged incident. As such, he is not entitled to any relief by this Court. Moreover, the petitioner is also involved in one more case.

5. 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 06 months and 03 days as on 04.07.2025. Investigation is complete. The final



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report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude. No useful purpose shall be served by further detention of the accused/petitioner.

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 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. In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Vikas @ Kalu 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.



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9. 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**

**04.07.2025**

*Ajay Goswami*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*