



CRM-M-25967-2025 (O&amp;M)

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-25967-2025 (O&amp;M)

Date of Decision: 16.05.2025

RAKESH @ CHIKU

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankur Lal, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

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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 grant of regular bail to the petitioner in case bearing FIR No. 247 dated 20.04.2024 registered under Sections 302, 307, 323, 506, 147 and 149 of Indian Penal Code (Sections 307, 147 and 149 of IPC deleted and Section 325 of IPC added later on) at Police Station Saran, District Faridabad.
2. Brief facts of the case are that on 19.04.2024, the complainant was sitting on his shop along with his friend, namely, Harkesh and brother, namely, Satya Parkash and at around 11:30 P.M., the accused, namely, Gaurav along with two unknown persons, came in a white coloured Dzire Car under the influence of liquor, and due to his dispute with the complainant about one and a half months ago and due to this enmity, he came at the spot and started abusing the complainant and his brother. It is further alleged that when the friend of the complainant objected to it, the accused, Gaurav, called other accused persons telephonically and about 5-6 persons came on motorcycles armed with iron rod, *lathi and danda*. Thereafter, Gaurav picked up a rod from his car and started assaulting the complainant, his brother and his friend and he was addressing



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other accused persons as Kalu, Kamal and Cheeku (present petition) and exhorted to kill the complainant, his brother and his friend and thereafter, all the accused persons fled away by extending threats to them and thus, the instant FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that one of the co-accused namely Salman has been granted the regular bail by this Court vide order dated 22.04.2025 (Annexure P-2) passed in CRM-M-51116-2024. Further as per the case set up by the prosecution, the petitioner is not alleged to have given any injury to the deceased namely Satya Parkash, rather he is alleged to have given beatings to complainant-Neeraj. However, when complainant Neeraj was examined before the learned trial Court as prosecution witness, he has not deposed regarding any specific injury given to him by the petitioner and the petitioner is behind the bars since 25.04.2024 and the material witness has already been examined.

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 petitioner has been specifically named in the FIR and as per his disclosure statement, he has caused specific injuries to the complainant Neeraj. As such, his complicity is duly established in the alleged crime. Moreover, he is also involved in one more case. As such he is not entitled to any relief by this Court.

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 01 year and 21 days. Investigation is complete. The final 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 as out of total 22 prosecution witnesses,



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only 01 has 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.

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-Rakesh @ Chiku is ordered to be released on regular bail during pendency of the



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trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

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**

**16.05.2025**

*Ajay Goswami*

*Whether speaking/reasoned*

*Whether reportable*

*Yes/No*

*Yes/No*