



CRM-M-41561 of 2025

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

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CRM-M-41561 of 2025
Date of Decision: 07.08.2025

Rajbir alias Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Baljeet Nain, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

Mr. Pardeep Panwar, Advocate for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. The petitioner has filed the instant petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.221 dated 22.07.2024 registered under Sections 115, 190, 191(3), 304, 324(4), 333 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (Sections 111(2)(b), 111(3), 115(2), 309(4) and 61(2) of the Act were added and Sections 115, 190, 191(3) and 304 of the Act deleted later on), at Police Station Narwana Sadar, District Jind.

2. The FIR was lodged on the statement of Karambir Nain-complainant who had stated that he was running a Government liquor vend in Village Dhakal. Accused-Gurmeet Ghangas and 18-20 boys entered his shop with dandas and lathies. They attacked salesman Vikas and thereafter snatched money and ran away and thus, the present case.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He was nominated as an accused



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on the basis of disclosure statement made by co-accused Gurmeet. No recovery was effected from him. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further contends that a compromise has been effected between the complainant and all the accused. The investigation is complete. The petitioner is behind the bars since 18.12.2024. He further submits that the trial may take quite a long time and no useful purpose would be served by keeping him behind the bars. Further co-accused, namely, Ankush Chahal had already been granted the concession of regular bail by a Coordinate Bench of this Court, vide order dated 07.03.2025.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, filed the custody certificate of the petitioner and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is an habitual offender and also involved in multiple criminal cases. However, he could not controvert the fact that the petitioner was nominated as an accused on the basis of disclosure statement made by co-accused Gurmeet.

6. At this stage, Mr. Pardeep Panwar, Advocate has put in appearance on behalf of the complainant and filed his *Vakalatnama*, which is taken on record. However, he admitted the fact that a compromise has been effected between the petitioner and the complainant.

7. 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:



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“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. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the petitioner is in custody for the last more than 7½ months and the investigation has already been concluded. Further, the trial will take a long time to conclude. No useful purpose would be served by detaining him in further custody. 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 of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

10. The present petition is disposed off accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

07.08.2025
D.Bansal

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