



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

226

CRM-M-25636-2025 (O&M)

Date of decision: 15.05.2025

Arshdeep @ Harshdeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kushager Goyal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Gurdarshan S. Sidhu, Advocate
for the complainant.

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.114 dated 07.03.2025 registered under Sections 115, 118(1), 3(5) and 351(2) of BNS, 2023 (Section 118(2) of BNS added later on) at Police Station Rania, Sirsa, District Sirsa.

2. The brief facts of the case are that the FIR (supra) was registered on the statement of complainant Sandeep son of Chiranji Lal, resident of Ward No.15 Rania to the effect that he works as disc jokey. Yesterday i.e. 06.03.2025 at about 9:00 AM he was standing near Water Works with his DJ vehicle. At that time Akashdeep son of Dilbag Singh and Nannu and two unknown persons came there carrying kirpan in their hands and all the four started giving kirpan blows to him. Nannu gave a kirpan blow upon him which hit on his right hand as a result of



which his hand was injured. Akashdeep and two others continued causing injuries to him with kirpan. On receiving several injuries, he made a noise which attracted several persons at the spot and seeing them the assailants fled away from the spot alongwith their respective weapons and while leaving they also issued life threats to him. The complainant thereby sought strict legal action against the culprits. On the basis of above statement, the present FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated. The petitioner is not named in the FIR and has been nominated as accused on the basis of the disclosure statement of co-accused during his custodial interrogation and such statement is not admissible being hit by Sections 25 and 26 of the Evidence Act. Further all the injuries are on the non-vital parts of the complainant. Moreover, no specific injury has been attributed to the present petitioner and the main accused is Akashdeep Singh and Nannu. The petitioner is behind the bars since 01.04.2025 and is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 11 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 custody certificate today in the Court which is taken on record and he assisted by learned counsel for the complainant, vehemently opposes the prayer



made by learned counsel for the petitioner on the ground that the complainant was given severe injuries with sharp edged weapon and he was also threatened and the co-accused Akashdeep also uploaded the video of the alleged incident on social media.

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 from the last 01 month and 04 days. 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 11 prosecution witnesses, no PW has been examined so far.

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. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Arshdeep @ Harshdeep 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.

10. 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

15.05.2025
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No