





accused and the FIR (*supra*) was registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. Further, similarly situated co-accused, namely, Khushal Sharma, has been granted the concession of regular bail by this Court vide order dated 06.05.2025 passed in CRM-M-23100-2025 titled as 'Khushal Sharma Vs. State of Haryana' (Annexure P-1). He further submits that the allegations against the petitioner are that he has received Rs.5.57 lakh from the complainant on the pretext of sending him to Australia. The investigation is complete. Offence is triable by Magistrate and trial of the case is likely to take long time. Further, the petitioner is behind the bars since 22.01.2025.

Learned State counsel produces the custody certificate of the petitioner, which is take on record and *per contra*, opposes the prayer of the petitioner on the ground that the petitioner has played active role in the alleged crime as he induced the complainant on the false pretext of sending him to Australia. Further, the petitioner is the main accused. As such, he does not deserve the concession of regular bail. However, he could not controvert the fact that the petitioner is not involved in any other case.

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,*



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*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.”*

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bar since 22.01.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made any progress as out of 12 witnesses cited by the prosecution, none 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. 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.

In view of the above, the present petition is allowed. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the petitioner-Neeraj Sharma is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**29.05.2025**

*Neha*

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