



'Jai Singh Vs. State of Haryana'. He further submits that the petitioner has been falsely implicated in the present case. The alleged kidnapped girl, namely, Asha and boy, namely, Anil Kumar, have eloped together as they were in a live-in relationship and both of them are major, as such, no offence as alleged in the FIR is made out. After registration of the FIR (*supra*), a compromise has been effected between the parties. The petitioner is not involved in any other case and is having clean antecedents. The petitioner has suffered incarceration of more than 04 months. Investigation of the case is complete.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that the complicity of the petitioner is duly established and allegation against the petitioner is proved. However, he could not controvert the fact that the compromise between the parties has been effected and dispute between the parties is with regard to eloping of the daughter of the main accused-Jai Singh with one Anil Kumar.

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."

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since

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20.03.2025. 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 much progress. 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 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-Akash, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

23.07.2025*Neha*

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